



BABERGH DISTRICT COUNCIL POLICY DOCUMENT

Discretionary Business Rates Relief New Build Premises in Employment Sectors Sproughton Enterprise Park

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1. Introduction

- 1.1 This policy sets out the circumstances in which reductions to business rates liability will be granted to businesses occupying properties located in the designated Sproughton Enterprise Park, (Space to Innovate Enterprise Zone) where the Collection Authority is Babergh District Council. The Sproughton Enterprise Park, designated 1 April 2016 is part of the former British Sugar Corporation site at Sproughton. See Appendix One (this is current site masterplan that could be subject to review).
- 1.2 All other business rates reductions and reliefs apply as usual including Small Business Rates Relief, Mandatory Relief and the 3-month exemption period for unoccupied properties (6 months for industrial properties). Any discretionary relief related to the Enterprise Zone site will be awarded after other reliefs, relevant to the occupying business, have been applied.
- 1.3 Under the provisions of section 47 of the Local Government Finance Act 1988 as amended by Section 69 of the Localism Act 2011, the Council can introduce a local policy to allow up to 100% Business Rates Relief to occupying businesses subject to State Aid rules. Central Government will fund the cost of any reliefs granted to businesses whose premises lie wholly or partly within the Enterprise Zone for a period up to five years.
- 1.4 The Reliefs granted are discretionary and the Council is free to decide amount of any award subject to the contents of this policy document. All Business Rates Relief will be subject to an annual review to reflect changes to legislation and fluctuations in currency exchange rates.

2. Purpose and principles of the policy

- 2.1 The purpose of this policy is to;
 - Ensure that all applications are treated in a fair, consistent and equal manner
 - Set a framework for how ratepayers can apply for this relief
 - Make clear the limited criteria under which relief will be awarded
 - Set out the delegated authority for dealing with applications
- 2.2 Each application will be considered on its individual merit.
- 2.3 This policy has been written in line with Government guidance and awards will only be considered where the conditions to receive full reimbursement from Government are met. Any changes to Government guidance that amend or restrict the scope of awards qualifying for full or part reimbursement will take precedence over this policy.

3. Requirements for applications

- 3.1 Applications will only be considered where a State Aid statement has been completed by the ratepayer, or where the ratepayer is an organisation or a person properly authorised to make an application on behalf of that organisation (please complete questionnaire [here](#) State Aid FAQs [here](#)).
- 3.2 The Council will request any supporting evidence it considers necessary to properly assess the merits of the application.

3.3 If it is necessary to verify any details regarding the property, the ratepayer must allow a Council Officer access to the property, by appointment during normal working hours, within two weeks of the Council receiving the application.

3.4 Ratepayers must continue to pay any rates that fall due whilst an application is under consideration.

3.5 All applications for business rates relief must be made on the appropriate form available [here](#) and made via the Councils Economic Development Team.

4. Decision making framework

4.1 To qualify the business premises must be newly constructed, at least partly sited within the 14 ha Enterprise Zone (Sroughton Enterprise Park) and must be completed and occupied on or before 31 March 2021, or such other date if the Government amends the scheme for relief.

4.2 The Council will only grant relief if all the following criteria are met;

- The applicant business meets the conditions outlined in the Council's decision making framework
- The business complies with Government guidance and legislation
- The Government reimburses the Council for the relief
- There are no State Aid implications
- The occupying business is not subject to a temporary planning permission

4.3 The purpose of Sroughton Enterprise Park EZ designation is to generate long term, full time employment opportunities and to provide serviced employment land for a variety of future occupiers. Businesses whose operations fall within the following Planning Use Classes Orders will qualify for Business Rates Relief

B1 - Offices (excluding financial or professional services), research and development of products and processes, light industry appropriate in a residential area

B2 - General industrial, industrial process other than one falling within class B1 but (excluding incineration purposes, chemical treatment or landfill or hazardous waste).

B8 - Storage or distribution, including open air storage

Other businesses could qualify for Business Rates Relief, this will be at the discretion of the Collection Authority.

4.4 Each application must be accompanied by a statement signed by the appropriate person representing the business setting out the amount of State Aid, including but not limited to discretionary rate relief, which the ratepayer has received within the previous 4 years. Applications will not be considered until this statement is received (link to form at paragraph 3.1 above).

4.5 New structures must have an industry recognised 'Completion Certificate' and must be occupied by a business for the business to qualify for this relief.

4.6 Where a new business or premises are created as a result of a split or merger of other businesses, or where the existing business is altered for example through diversification, the eligibility criteria contained in this Policy will apply to all business occupiers.

4.7 The relief will run with the business occupier not the property. If the premises are vacated and a new business moves into the premises before 31st March 2021 (or such other date if the Government amends the scheme) the new occupier will be entitled to claim the relief subject to State Aid de minimis rules, and satisfying Policy criteria.

4.8 If a business is entitled to small business rates relief or any other form of exemption or relief, the rates relief due from occupation of the Sproughton Enterprise Park will be granted once these other reliefs have been applied.

4.9 Occupying businesses that qualify will receive up to 100% relief for the relevant period, for up to a maximum of 5 years, provided rateable occupation starts by 31 March 2021.

4.10 Enterprise Zones (EZs) ought to deliver genuine new growth, therefore it is a Government requirement that EZs do not encourage **displacement**, consequently if your business relocation is deemed to be a displacement then you may **not** be eligible for Discretionary Business Rates Relief. Application form sections 4 and 5 refer. Please contact the Council's Economic Development Team should you need more information.

4.11 All decisions will be at discretion of the Collection Authority and will be subject to Audit by the Collection Authority and DCLG Monitoring.

5. Duration of awards

5.1 Business Rates relief will be granted for a maximum of 5 years from occupation.

5.2 Ratepayers are required to notify the Council immediately of any change in circumstances that may affect their entitlement to relief.

5.3 Business Rates Relief will be subject to annual review and occupying businesses must supply any information requested by the Council as soon as reasonably possible.

5.4 Qualifying business occupation must start on or before 31 March 2021.

6. State Aid

6.1 Relief will not be awarded in any circumstances where it appears that this will result in the ratepayer receiving State Aid that is above the de minimis level, currently a maximum of 200,000 euros over a 3 year rolling period, (100,000 euros for road freight

and haulage/transport sector businesses). These amounts include **ALL** reliefs to which State Aid Rules apply. (Link to guidance note at Paragraph 3.1 above)

7. Review process

7.1 There is no statutory right of appeal against a decision made by the Council regarding discretionary rate relief. However, the Council recognises that ratepayers should be entitled to have a decision reviewed if they are dissatisfied with the outcome.

7.2 The letter notifying of the outcome of an application for relief will include instructions on how to request a review and the address where any request for review should be sent.

7.3 The Council will accept a written request for a review of its decision. The request should include the reasons for requesting a review and any supporting information.

7.4 A request for review must be made within one calendar month of the date of the decision letter. Reviews will be considered by Babergh Mid Suffolk District Council Assistant Director Law and Governance or Assistant Director Corporate Resources,

7.5 The applicant will be notified of the outcome of the review in writing.

7.6 This review process does not affect a ratepayer's legal right to seek leave to challenge a decision by way of Judicial Review.