



Council name	WEST OXFORDSHIRE DISTRICT COUNCIL
Decision Maker	CABINET MEMBER FOR FINANCE - 27 MARCH 2023
Subject	SUPPORTING SMALL BUSINESS RELIEF
Wards affected	All
Accountable member	CLlr Dan Levy – Executive Member for Finance Email: dan.levy@westoxon.gov.uk
Accountable officer	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: mandy.fathers@publicagroup.uk
Report author	Mandy Fathers – Business Manager for Environmental, Welfare and Revenues Email: mandy.fathers@publicagroup.uk
Summary/Purpose	In the Autumn statement 2022 the Government announced a Support Small Business relief scheme which will cap bill increases for any business losing eligibility for Small Business Rate Relief. Legislation is not being changed and the Council is expected to use discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant these reliefs. The reliefs are fully funded by the Government provided they are award in accordance with the guidance.
Annexes	Annex A –Small Business Relief Criteria
Recommendation(s)	It is recommended that the Cabinet Member for Finance notes the contents of this report and agrees the following: <i>a) Adopt the small Business Relief as detailed in Annex A; and,</i> <i>b) Recommends that delegation for the award of such relief is given to the Assistant Director of Resident Services</i>
Corporate priorities	<ul style="list-style-type: none">Delivering excellent modern services whilst ensuring the financial sustainability of the Council
Key Decision	NO
Exempt	NO



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Consultees/ Consultation	Chief Finance Officer, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director for Resident Services, Director of Finance (Publica), Executive Member for Finance
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1. BACKGROUND

- 1.1 In the Autumn statement 2022 the Government announced new business rate relief schemes to be awarded in 2023/24.
- 1.2 There are two schemes:
 - 1) Retail, hospitality and leisure relief (which the Council has already approved); and,
 - 2) Supporting Small Business Relief
- 1.3 As the schemes are a temporary measure, the Government is not changing the legislation. Councils are expected to use their discretionary powers under section 47 of the Local Government Finance Act 1988, as amended, to adopt a scheme using the detailed guidance provided. Details of the scheme is in annex A of this report.
- 1.4 The Government will fully reimburse the Council for the local share of reliefs awarded to eligible businesses in accordance with the guidance provided.
- 1.5 The Government will also provide funding to cover administration costs of the schemes, although the amounts have not yet been confirmed.

2. MAIN POINTS

- 2.1 Supporting Small Business (SSB) relief will cap bill increases at £600 for businesses whose business property's bill is going up after the revaluation on 1st April 2023 and will lose some or all of their SSB relief.
- 2.2 The relief will be available in financial years 2023/24, 2024/25 and 2025/26 for business that continue to meet the eligibility criteria, unless their bill reaches the level it would have been without the relief.
- 2.3 This relief is also subject to subsidy control which limits the amount of relief a business can receive over a 3 year period.
- 2.4 The relief will automatically be included in the business rate bills to eligible businesses unlikely to be affected by subsidy control limits.
- 2.5 Approval is being sought to adopt the scheme as detailed in annex A to make any changes necessary due to Government guidance or to ensure the scheme operates successfully.

3. FINANCIAL IMPLICATIONS

- 3.1** Central government will fully reimburse local authorities for the local share of relief awarded to those qualifying businesses entitled to this relief using a grant under section 31 of the Local Government Finance Act 2003 providing the council adopt the recommended approach when granting relief.

4. LEGAL IMPLICATIONS

- 4.1** The government is not changing the legislation around the relief available to businesses and expects councils to grant the relief under section 47 of the Local Government Finance Act, 1988, as amended.

5. RISK ASSESSMENT

- 5.1** There are no risks associated with this report as the Council will be following central government guidance.

6. EQUALITIES IMPACT

- 6.1** None

7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

There are none associated with this report.

8. ALTERNATIVE OPTIONS

None

Annex A

Supporting Small Business Relief 2023-24 – 2025/26

2023 Supporting Small Business Relief (SSB) will cap bill increases at £600 for any business losing eligibility for some or all Small Business Rate Relief at the 2023 revaluation.

The relief will be available in financial years 2023/24, 2024/25, 2025/26 for businesses that continue to meet the eligibility criteria unless their bill reaches the level it would have been without the relief.

The relief will be awarded to business ratepayers that meet the eligibility criteria in the guidance provided by the Department for Levelling Up, Housing and Communities (DLUHC). The full guidance is available here:

<https://www.gov.uk/government/publications/business-rates-relief-2023-supportingsmall-business-relief-local-authority-guidance>

The scheme also provides support for those previously eligible for the 2022/23 SSB scheme and facing large increases in 2023/24 but for one further year only. In these cases eligibility for 2023 SSB relief will end on 31 March 2024.

Eligible businesses will automatically receive the relief on their bill.

The 2023 Supporting Small Business Relief is likely to amount to subsidy. Any relief provided under this scheme will need to comply with the UK's domestic and international subsidy control obligations.

Business ratepayers likely to exceed subsidy control limits will be asked, on a self assessment basis, to declare that by receiving the relief they will not exceed subsidy limits.

Administration

West Oxfordshire District Council will administer the schemes under Section 47 of The Local Government Finance Act 1988 as amended by The Localism Act 2011 and The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059).

Eligibility for reliefs will be determined in accordance with the guidance provided by the Department for Levelling Up, Housing and Communities (DLUHC).

Reliefs in this policy may be changed to reflect changes to Government guidance or to ensure successful operation of the schemes.

2023 Supporting Small Business Relief under the provisions in this policy, for business ratepayers previously eligible for the 2022/23 SSB scheme, will be awarded in respect of the financial year 2023/24 only and relief will end on 31 March 2024.

2023 Supporting Small Business Relief under the provisions in this policy, for business ratepayers losing some or all Small Business Rate Relief may be awarded in respect of the financial years 2023/24, 2024/25 and 2025/26.

Retrospective awards of 2023 Supporting Small Business Relief cannot be made more than 6 months after the end of the relevant financial year (eg 30 September 2024 in respect of 2023/24).

All reliefs will be recalculated or cancelled to reflect any change in circumstances that affect entitlement, changes to entries in Rating List, or where any conditions cease to be met.

Relief may be granted automatically where information held on the business rate account confirms eligibility in line with the qualifying criteria and that cash caps or subsidy control limits will not be exceeded. In these cases businesses will be asked to notify the council if they are not entitled. In all other cases an application must be submitted with a cash cap and/or subsidy control declaration.

Where reliefs have been awarded businesses must notify the Council within 21 days of any change of circumstances that could affect their entitlement to the relief.

There is no statutory right of appeal against a decision made by the Council in respect of extension of Transitional Relief and Supporting Small Business Relief for small and medium sized properties. However, the Council will reconsider the decision if the ratepayer is dissatisfied with the outcome.

The request for a reconsideration must be made within 28 days of the business or agent acting on behalf of the business being issued with an award decision. The review will be carried out by the Business Manager for Environmental, Welfare and Revenues in consultation with the Assistant Director for Resident Services.

If an unsuccessful applicant requests a reconsideration they will need to continue to pay their rates bill. Once the reconsideration has been carried out, the ratepayer will be informed, in writing, of the decision.

West Oxfordshire District Council will not tolerate any business falsifying their records or providing false evidence. A ratepayer who falsely applies for any relief, or provides false



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information or makes false representation in order to gain relief will face prosecution and any relief awarded will be revoked.