



BEDFORD  
BOROUGH COUNCIL

# **Bedford Borough Council Policy for the granting of COVID-19 Additional Relief Fund Discretionary Non-Domestic Rate Relief**

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## **1.0 Purpose of the Policy**

- 1.1 The purpose of this policy is to determine the level of discretionary relief payable under the Council's COVID-19 Additional Relief Fund (CARF) scheme.
- 1.2 Central Government has provided the authority with funding to assist those ratepayers who businesses have been (and continue to be) affected by the pandemic but that are ineligible for existing support linked to business rates.
- 1.3 The Government has not changed the legislation relating to the business rates reliefs available to properties. Instead, the Government will, in line with the eligibility criteria set out in this policy, reimburse local authorities where relief is granted using discretionary relief powers under section 47 of the Local Government Finance Act 1988.
- 1.4 Whilst funding is provided by Central Government, it is for the Council to decide its own local scheme and determine in each individual case whether to grant this particular relief.
- 1.5 Relief under the CARF scheme will only be available to reduce chargeable amounts in respect of the 2021/22 financial year.
- 1.6 This document outlines the following areas:
  - Details of the criteria for receiving Discretionary Reliefs under the COVID-19 Additional Relief Fund (CARF) scheme;
  - The Council's policy for the granting the relief;
  - General guidance on granting and administering the reliefs and awards;
  - Subsidy Controls applicable; and
  - The Council's Scheme of Delegation.
- 1.7 Ratepayers will be granted (or not granted) relief under the Covid-19 Additional Relief Fund (CARF) scheme in line with the following policy.

## 2.0 Discretionary Relief – Legislative Background

### Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 2.4 The Council will expect all businesses to provide such information and evidence as required in order to determine whether relief should be awarded.
- 2.5 There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

## 3.0 Eligibility for discretionary relief under the COVID-19 Additional Relief Fund (CARF) scheme

- 3.1 Whilst the Council has determined its own scheme, the Department for Levelling Up, Housing and Communities has stated that, in order for the Council to receive the allocated funding, it must:
  - (a) **not** award relief to ratepayers who for the same period of the relief either are or would have been eligible for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
  - (b) **not** award relief to a hereditament for a period when it is unoccupied (other than hereditaments which have become closed temporarily due to the government’s advice on COVID-19, which should be treated as occupied for the purposes of this relief), and
  - (c) direct their support towards ratepayers who have been adversely affected by the pandemic and have been unable to adequately adapt to that impact.

- 3.2 In line with section 47(8) of the Local Government Finance Act 1988, the Council must not grant any relief to itself or to either local or major precepting authorities.
- 3.3 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where the Council has provided relief using its wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.
- 3.4 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 (where hardship is proven to the Council), then there will be no requirement to grant CARF Discretionary Rate Relief for that amount.
- 3.5 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the relevant criteria are met irrespective of whether discretionary relief can be granted or not.

#### **4.0 Discretionary Relief to be awarded under the COVID-19 Additional Relief Fund.**

- 4.1 Over the past few years, a number of schemes (such as the COVID-19 Additional Relief Fund) have been led by Central Government but without specific legislative changes.
- 4.2 The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable.
- 4.3 In view of this, the Council has decided that where a ratepayer meets **all** of the relevant criteria, relief will be circa 25% of the 2021/22 liability **after** any other reliefs and reductions have been applied, with relief capped at a maximum of £25,000. The actual percentage will be calculated by using the following formula:

$$\frac{\text{The total funding received by Bedford Borough Council}}{\text{The net liability of all qualifying businesses}}$$

- 4.4 The criteria for the COVID-19 Additional Relief Fund are as follows:
- (a) the ratepayer is **not** eligible (or would not be eligible) for the Expanded Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS);
  - (b) the ratepayer is **not** entitled to either Small Business Rate Relief or Rural Rate Relief granted at 100%;
  - (c) the ratepayer is **not** entitled to mandatory relief (80%) and discretionary (top up) of 20% which is funded through business rates retention;

- (d) the hereditament is treated as occupied by the Council on 15 December 2021 and has been occupied for the chargeable period 2021/22
- (e) the ratepayer is **not** in formal liquidation, dissolved, struck off or subject to insolvency or bankruptcy proceedings or subject to a debt relief order or a striking-off notice:
- (f) the ratepayer confirms that they have been adversely affected by the pandemic and have been unable to adequately adapt to that impact;
- (g) the ratepayer is **not** subject to Subsidy Control as defined within section 6; and
- (h) the hereditament is not excluded under the section 5 below

## **5.0 Excluded hereditaments**

- 5.1 The Council has decided that the hereditaments listed in Appendix A will be excluded from relief under the Council's COVID-19 Additional Relief Fund (CARF) scheme.

## **6.0 Subsidy Control**

- 6.1 The Council's COVID-19 Additional Relief Fund (CARF) scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic actor (broadly speaking, for example, a holding company and its subsidiaries).
- 6.2 This allowance comprises 325,000 Special Drawing Rights (at current exchange rates about £343,000) for Small Amounts of Financial Assistance and a further £1,900,000 for COVID-19 related subsidy.
- 6.3 Therefore, to be eligible for CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the Small Amounts of Financial Assistance or COVID-19 related allowances.
- 6.4 Any COVID-19 business grants a ratepayer has received from local government generally and the 2019/20 Retail Relief should count towards this limit, but the ratepayer should not count any Extended Retail Discount they have received since 1 April 2020.
- 6.5 Further details of subsidy control can be found at:  
<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>
- 6.6 The ratepayer will need to indicate to the Council should it become aware the subsidy limits have been exceeded so that the relief can be removed.
- 6.7 A ratepayer must not receive CARF if they have already exceeded the £2,243,000 allowance. However, the Council will still consider applications for support under

the CARF scheme if they have reached this limit provided you can evidence that they:

- (a) Intend to use the support to fund uncovered fixed costs (costs not covered by profits for insurance etc) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
- (b) Have shown a decline in turnover of at least 30% within the April 2020 to March 2021 period, compared to the same 2019 to 2020 period.

6.8 The ratepayer may claim up to a further £10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit (such as from the COVID-19 business grants).

6.9 Government and the Council will not tolerate any business falsifying their records or providing false evidence to gain this relief including claiming support above these thresholds.

6.10 A ratepayer who falsely obtains any relief or provides a false declaration in order to obtain relief may be guilty of fraud under the Fraud Act 2006.

## **7.0 Effect on the Council's Finances**

7.1 As Central Government leads this initiative, funding will be provided through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.

7.2 In order to guarantee funding, the Council will ensure that the criteria in this policy are met in full

## **8.0 Administration of Discretionary Relief**

8.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction. This is essentially laid down by legislation<sup>1</sup>

### **Applications and Evidence**

8.2 The Council will specify how (and if) applications are to be made and received. This may vary from time to time.

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<sup>1</sup> The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 8.3 Where appropriate, ratepayers are required to provide such evidence necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect ratepayers claiming relief to facilitate this where necessary.
- 8.4 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties. Applications will be accepted from ratepayers only.**

### **Granting of relief**

- 8.5 In all cases, the Council will notify the ratepayer of decisions made.
- 8.6 Where an application (if required) is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
  - If relief has been granted for a specified period, the date on which it will end.
  - The new chargeable amount;
  - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
  - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 8.7 Where relief is not granted, then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
  - An explanation of the appeal rights (see below).
- 8.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision. Given the timing of this relief, awards will only be made for the 2021/22 financial year.

### **Variation of a decision**

- 8.9 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge (excluding rateable value increases) or a change in the Council's decision which increases the award – this will apply from a date determined by the Council as appropriate;



- Where the amount is to increase for any other reason, it will take effect at the expiry of a financial year unless it is granted for a fixed period;
  - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
  - Where the amount is to be reduced for any other reason, it will take effect from a date determined by the Council as appropriate;
- 8.10 A decision may be revoked at any time and a one-year period of notice will be given and the change will take effect at the expiry of a financial year. However, the Council will terminate the relief at any time the ratepayer fails to meet **any** of the relevant eligibility criteria.

## **9.0 Scheme of Delegation**

### **Granting, Varying, Reviewing and Revocation of Relief**

- 9.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to the Mayor, Executive, Committees, Sub-Committees or Officers.
- 9.2 The Council's scheme of delegation allows for the Chief Officer for Finance to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature, will be subject to consultation with the Council's Section 151 Officer, prior to final determination.
- 9.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

### **Reviews**

- 9.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the Mayor or Executive.

### **Disputes**

- 9.5 Where the Council receives a dispute from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Chief Officer for Finance. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.

- 9.6 Where the ratepayer wishes to appeal the decision of the Chief Officer for Finance, the case will be considered by the Council's Section 151 Officer whose decision on behalf of the Council will be final.
- 9.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

## **10.0 Reporting changes in circumstances**

- 10.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible or in any event within 21 days of the change. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 10.2 Where a change of circumstances is reported which would cease or revise eligibility, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

## **11.0 Fraud**

- 11.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

**Appendix A Ratepayers / hereditaments excluded from the scheme.**

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
	<b>RETAIL SECTOR</b>		
021	Banks/Insurance/Building Society Offices and Other A2Uses	K	Financial Services
	<b>Retail - Shops Sub-sector</b>		
024	Betting Offices	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
086	Departmental and Walk Round Stores (Large)	G	Wholesale and Retail
097	Factory Shops	G	Wholesale and Retail
139	Hypermarkets/Superstores (over 2500m <sup>2</sup> )	G	Wholesale and Retail
152	Large Food Stores (750 -2500m <sup>2</sup> )	G	Wholesale and Retail
154	Large Shops (750 - 1850m <sup>2</sup> )	G	Wholesale and Retail
155	Large Shops (Over 1850m <sup>2</sup> )	G	Wholesale and Retail
425	Pharmacies Within/Adjacent to Surgery/Health Centre	Q	Health
429	Post Offices	G	Wholesale and Retail
	<b>OTHER SECTOR</b>		
	<b>Assembly And Leisure Sub-sector</b>		
004	Agricultural Showgrounds(National Scheme)	R	Arts, Entertainment and Recreation
026	Bird Sanctuaries	R	Arts, Entertainment and Recreation
049	Casinos and Gambling Clubs	R	Arts, Entertainment and Recreation
225	Public Halls	R	Arts, Entertainment and Recreation
229	Racing Stables (NationalScheme)	R	Arts, Entertainment and Recreation
264	Stables and Loose Boxes	R	Arts, Entertainment and Recreation
293	Village Halls Scout Huts CadetHuts etc.	R	Arts, Entertainment and Recreation
	<b>Education Sub-sector</b>		
065	Colleges of Further Education(National Scheme)	P	Education
085	Day Nurseries/Play Schools	P	Education
159	Local Authority Schools(National Scheme)	P	Education
223	Public and Independent Schools(National Scheme)	P	Education

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
288	Universities (Excluding Oxbridge) (National Scheme)	P	Education
440	University Occupation Within Hospitals	P	Education
505	Nurseries/Creches Within/Part of Specialist Property	P	Education
995	Educational Miscellaneous	P	Education
	<b>Health Sub-sector</b>		
134	Hospitals and Clinics NHS (National Scheme)	Q	Health
135	Hospitals and Clinics (Private) (National Scheme)	Q	Health
436	Surgeries Clinics Health Centres (Contractors Valuation)	Q	Health
437	Surgeries Clinics Health Centres (Rental Valuation)	Q	Health
	<b>Non-Residential Institutions Sub-sector</b>		
067	Community Day Centres	Q	Health
156	Libraries	O	Public administration
	<b>Other - Offices Sub-sector</b>		
057	Civic and Public Buildings (Local Authority Occupations)	O	Public administration
415	Courts (Rental Valuation)	O	Public administration
414	Courts (Contractors Valuation)	O	Public administration
215	Police Stations	O	Public administration
418	Information/Visitor Centres	N	Administrative Services
	<b>Other - Other Sub-sector</b>		
001	AA/RAC Service Centres and Boxes	Y	Transport
003	Advertising Right	J	Information and Communication
010	Ambulance Stations	O	Public administration
015	Army Hereditaments	O	Public administration
043	Car Spaces	Y	Transport
053	Cemeteries (National Scheme)	S	Other Services
058	Civic Amenity Sites	E	Water and Waste Management
076	Contractors Huts and Compounds	F	Construction
080	Crematoria (With and Without Cemeteries) (National Scheme)	S	Other Services
101	Fire Stations	O	Public administration
111	Funeral Parlours/Chapels of Rest	S	Other Services
123	Gypsy Camp Sites (Short Stay)	I	Hospitality
141	Interactive Telephone Kiosks	J	Information and Communication

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
146	Land Used For Advertising	J	Information and Communication
147	Land Used For Car Boot Sales	G	Wholesale and Retail
150	Landfill Sites	E	Water and Waste Management
189	Moorings (Floating Hereditaments)	I	Hospitality
190	Mortuaries	O	Public administration
224	Public Conveniences (National Scheme)	O	Public administration
228	Public Telephone Kiosks (National Scheme)	J	Information and Communication
230	RAF Hereditaments	O	Public administration
232	Recording Studios	J	Information and Communication
269	Stud Farms	X	J-N: Information, Communication, Financial Intermediation, Real Estate and Business Services
285	Training Centre (Non Residential)	Q	Health
294	Vineyards/Wineries	C	Manufacturing
298	Waste Recycling Plants	E	Water and Waste Management
438	Telescope Sites	O	Public administration
439	University - Ancillary Land or Buildings	P	Education
501	Car Parking Within/Part of Specialist Property	Y	Transport
998	Crown Miscellaneous	O	Public administration
	<b>Other - Retail Sub-sector</b>		
018	ATMs	K	Financial Services
133	Hospital Let Outs	G	Wholesale and Retail
194	Motorway and Major Road Service Areas	G	Wholesale and Retail
250	Showhouses (National Scheme)	G	Wholesale and Retail
419	Land Used for Display	G	Wholesale and Retail
432	Sales Offices	L	Real Estate Activities
	<b>Residential Institutions Sub-sector</b>		
201	Nursing Homes (Inc. Old Peoples Homes)	Q	Health
220	Prison Service Hereditaments	O	Public administration
	<b>Storage &amp; Distribution Sub-sector</b>		
119	Grain Silos	Z	Storage and Distribution
120	Granaries and Intervention Stores	Z	Storage and Distribution
157	Liquid Bulk Storage (Incl Petrol and Oil) (National Scheme)	Z	Storage and Distribution
404	Archives	O	Public administration
412	Cold Stores (Contractors Valuation)	Z	Storage and Distribution
413	Cold Stores (Rental Valuation)	Z	Storage and Distribution

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
	<b>Transport Sub-sector</b>		
006	Air Strips (National Scheme)	Y	Transport
036	Bus Stations	Y	Transport
126	Heliports	Y	Transport
161	Lorry Parks	Y	Transport
231	Railways and Tramways (Non-Leisure)	Y	Transport
287	Truck Stops	G	Wholesale and Retail
712	Rail Freight Depots	Y	Transport
714	Rail Maintenance Depots	Y	Transport
	<b>Utilities Sub-sector</b>		
066	Communication Stations(National Scheme)	J	Information and Communication
088	District Heating Undertakings and Networks	D	Energy
090	Domestic Fuel Installations	O	Public administration
094	Electricity Undertakings (Non-Statutory)	D	Energy
115	Gas Processing Plants	D	Energy
149	Landfill Gas Generator Sites	D	Energy
219	Power Generators	D	Energy
246	Sewage Works (NationalScheme)	E	Water and Waste Management
275	Telecommunications Cable Networks (National Scheme)	J	Information and Communication
276	Telecommunications SwitchingCentres	J	Information and Communication
300	Water Undertakings (Non-Statutory)	E	Water and Waste Management
726	Telecommunications LargeBroadcast Sites	J	Information and Communication
729	Renewable Generators – Mixed Technologies	D	Energy
733	Battery Storage	D	Energy
741	Independent Gas Transporter	D	Energy
742	Independent DistributionNetwork Operator	D	Energy
743	Renewable Power Generator - Photovoltaic	D	Energy
744	Renewable Power Generator -Wind	D	Energy
745	Renewable Power Generator -Other	D	Energy
746	Renewable Power Generator -Hydro	D	Energy
747	Fossil Fuel Power Station	D	Energy

Valuation Office Agency Scat code	Special category description	SIC code	SIC definition
	<b>INDUSTRY SECTOR</b>		
	<b>General Industrial Sub-sector</b>		
289	Vehicle Repair Workshops and Garages	G	Wholesale and Retail
	<b>Industry - Storage &amp; Distribution Sub-sector</b>		
034	Bullion/Money Stores (National Scheme)	Z	Storage and Distribution
148	Land Used for Storage	Z	Storage and Distribution
217	Post Office Sorting Centres	Z	Storage and Distribution
267	Storage Depots	Z	Storage and Distribution
268	Stores	Z	Storage and Distribution
510	Stores Within/Part of Specialist Property	Z	Storage and Distribution
721	Self-Storage Facility	Z	Storage and Distribution
	<b>Industry Other Sub-sector</b>		
037	Cable Head End Buildings	J	Information and Communication
093	Effluent Minewater Treatment Plant and Premises	E	Water and Waste Management
095	Exhaust and Tyre Centres	G	Wholesale and Retail
113	Garages (Transport and Commercial)	Y	Transport
166	Mechanised Handling Depots	Z	Storage and Distribution
187	MOD Hereditaments	O	Public administration
212	Pipelines	Y	Transport
233	Refuse Destructor Plants/Disposal Sites	E	Water and Waste Management
244	Scrap Metal/Breakers Yard	E	Water and Waste Management
290	Vehicle Testing Centres (With Test Tracks)	C	Manufacturing
291	Vehicle Testing Centres (Without Test Tracks)	O	Public administration
295	Wafer Fabrications (National Scheme)	C	Manufacturing
297	Waste Incinerator Plants	E	Water and Waste Management
299	Waste Transfer Stations	E	Water and Waste Management
402	Agricultural Research Centres	M	Professional Services
406	Bus Garages (Contractors Valuation)	Y	Transport
407	Bus Garages (Rental Valuation)	Y	Transport
441	Weighbridges	Y	Transport
502	Garages Within/Part of Specialist Property	Y	Transport
994	Industrial Miscellaneous	C	Manufacturing
997	Minerals Miscellaneous	B	Mining and Quarrying



