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|  |  | Issued By: | Miss Emma Roze |
|  |  |  | Business Rates Manager |
|  |  | Tel: | 020 8315 2050 |
|  |  | Email: |  |
|  |  | Our Reference: |  |
|  |  | Date: |  |
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Dear Sir/Madam,

**NNDR:**

**Business Rates Retail Relief**

I am writing to advise you that the Government announced in the Budget Statement on 29th October 2019 that it would provide a Business Rates Retail Discount, to apply in the years 2019/2020 and 2020/21. The relief would be awarded by local authorities as Business Rates (NNDR) retail relief under S47 of the Local Government Finance Act 1988.

Further to this, in a written Ministerial Statement on 27th January 2020 the Government announced that it would extend the value of the Retail Rate Relief from one third of the bill to 50% in 2020/2021. This relief will apply to occupied retail properties with a rateable value of less than £51,000 in the year 2020/2021. This also now includes the inclusion of cinemas and live music venues.

The City Council’s records indicate that you may qualify for this relief and I therefore enclose the relevant qualifying criteria and an application form.

The award of the relief is classed as State Aid and the City Council must therefore comply with European Commission State Aid legislation. The application form requires your organisation’s confirmation that the granting of Retail relief will not result in your organisation exceeding the State Aid threshold of €200,000 over the last 3 years (De Minimus Regulations EC 1407/2013).

Further information on State Aid law can be found at <https://www.gov.uk/state-aid>.

If you feel you may be entitled to this Retail relief, please complete the attached application form and return to: Westminster City Council, Business Rates, P.O. Box 187, Erith, DA8 9EY or by email to [Westminster.nndr@secure.capita.co.uk](mailto:Westminster.nndr@secure.capita.co.uk).

Yours faithfully,

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Business Rates Manager

**Business Rates Retail Relief – Qualifying Criteria**

**Section 1**

Occupied properties that will benefit from the relief will be occupied hereditaments with a rateable value of less than £51,000, that are wholly or mainly being used as shops, restaurants, cafes, drinking establishments, cinemas and live music venues. We consider shops, restaurants, cafes, drinking establishments, cinemas and live music venues to mean:

**i. Hereditaments that are being used for the sale of goods to visiting members of the public:**

* Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets).
* Charity shops
* Opticians
* Post offices
* Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
* Car/ caravan show rooms
* Second hard car lots
* Petrol stations
* Garden centres
* Art galleries (where art is for sale/hire)

**ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:**

* Hair and beauty services (such as hairdressers, nail bars, beauty salons, tanning shops etc)
* Shoe repairs/ key cutting
* Travel agents
* Ticket offices e.g. for theatre
* Dry cleaners
* Launderettes
* PC/ TV/ domestic appliance repair
* Funeral directors
* Photo processing
* DVD/ video rentals
* Tool hire
* Car hire

**iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:**

* Restaurants
* Takeaways
* Sandwich shops
* Coffee shops
* Pubs
* Bars

**iv. Hereditaments which are being used as cinemas**

**v. Hereditaments that are being used as live music venues:**

* Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
* Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g. the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g. because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).

**Section 2**

Please note that the following types of uses are not eligible for Retail relief:

1. **Hereditaments that are being used for the provision of the following services to visiting members of the public:**

* Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
* Other services (e.g. estate agents, letting agents, employment agencies)
* Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
* Professional Services (e.g. solicitors, accountants, insurance agents/financial advisers, tutors)
* Post office sorting offices

1. **Properties that are not reasonably accessible to visiting members of the public.**

* Generally speaking, the Government also does not consider other assembly or leisure uses beyond

shops, restaurants, cafes, drinking establishments, cinemas and live music venues. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief

For example, theatres and museums are outside the scope of the scheme, as are nightclubs. Hereditaments used for sport or physical recreation (e.g. gyms) are also outside the scope of the discount. Where there is doubt, the local authority should exercise their discretion with reference to the above and knowledge of their local tax base.

*Please note the above list is not exhaustive and it will be for the City Council to determine those cases where eligibility is unclear.*



**Application for Business Rates Retail Relief 2019/20 & 2020/21**

1. **Account Details for which relief is being claimed**

Account Reference

Account Name

1. **Property for which relief is being claimed**

*Property Address*

**Declaration**

I confirm that:

1. The above property is wholly or mainly used for the following purpose(s):

1. I believe that the occupation qualifies under one or more of the categories of occupation listed in Section 1 of the qualifying criteria.

**YES / NO /NOT SURE\***

\*Please delete as appropriate

Note: If you answered “not sure”, the City Council will arrange a visit to your property to clarify the position.

1. The granting of Retail relief will not result in our organisation exceeding the State Aid threshold of €200,000 during the last 3 years (De Minimus Regulations EC) 1407/2013)

Should your circumstances change in the future so that your organisation no longer meets the qualifying criteria, you must notify us immediately so that the Retail relief can be removed from the date the change occurred.

By signing the form, you agree that, to the best of your knowledge, the information contained on the form is complete and is not false. Wilfully making a false statement on the application form is an offence and may result in us taking action legal against you.

Name

Signature

Position in Organisation

Telephone

Email

Date

**Note:** Under the European Commission rules, you must retain this application form for three years and produce it on any request by the UK public authorities or the European Commission (you may need to keep this letter longer than three years for other purposes). Furthermore, information on State Aid must be supplied to any other public authority or agency asking for information on ‘De Minimus’ aid for the next three years.

As the UK has now left the EU effective from 31st January 2020, the Withdrawal Agreement negotiated by the Government and the EU provides that during an implementation period, State Aid rules will continue to apply as now and will be subject to control by the EU Commission as at present.

**Please send the completed and signed application form to:**

**Westminster City Council, Business Rates, P.O. Box 187, Erith, DA8 9EY or by email to Westminster.nndr@secure.capita.co.uk, quoting your account number.**

If we have a legitimate reason to do so, we may share information we collect for the administration of business rates within the City Council and to some organisations acting on our behalf. In particular, we may check the information you provide, or someone else provides about you, with other information we hold. We may also use this information or supply it to third parties including government departments and other local authorities, to prevent or detect crime or to protect the public funds in other lawful ways. Before we share any information we will rigorously check that sharing it is fair and justified. If you would like more information, please write to Data Protection, Contracts Performance Team, 16th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP