

## **Business Rates Relief – Waterside Enterprise Zone**

### **1. Introduction**

- 1.1 Enterprise zones were created by the Government in the 2011 budget. There are now a number of zones around the country. They exist to stimulate business growth in designated areas by providing financial incentives, and by simplifying planning arrangements. Their aim is to create jobs and drive local and national economic growth.
- 1.2 There are two enterprise zone sites in Leicester, which were created in April 2017:-
  - (a) Waterside, which stretches eastward from the River Soar at Frog Island and Blackfriars, towards the southern boundary of Abbey Park;
  - (b) Pioneer Park, which is a knowledge based business park, north of the city in the vicinity of the National Space Centre.
- 1.3 This policy covers the Waterside site only. A full map of Waterside is attached to this policy.
- 1.4 The policy in respect of Pioneer Park can be found at <https://www.leicester.gov.uk/business/business-rates/reliefs-and-exemptions/>

### **2. Business Rates Relief**

- 2.1 From 1<sup>st</sup> April 2017, the Council is able to offer rates reductions to businesses which start to occupy premises at the Waterside, or which are already based in the zone and expand their operations.
- 2.2 Up to 100% of the rates payable can be awarded.
- 2.3 To be awarded relief, a business must satisfy the requirements of this policy, which is designed to incentivise property use which complements the objectives of the zone.

### **3. Legal Basis of Relief**

- 3.1 Relief is awarded under the terms of Section 47(1)(a) of the Local Government Finance Act, 1988.
- 3.2 The cost to the Council of granting relief is reimbursed by the Government, under Regulation 4 and Schedule 2(1) of the Non Domestic Rating (Rates Retention) Regulations, 2013.

3.3 Relief is regarded as state aid under European Union treaties. State aid is generally prohibited, but can be granted under the de minimis provisions of Commission Regulation 1407/2013. Further information on state aid rules is provided below.

#### 4. **Limitations on Relief**

4.1 Relief can only be granted in respect of properties which fall wholly or partly within the boundary of the zone.

4.2 Relief can be granted for a maximum of 5 years.

4.3 Relief is available only to businesses which relocate to properties in the zone on or before 31<sup>st</sup> March 2022 (or are already located in the zone at that date, and are expanding operations).

4.4 Businesses already on the zone may apply for relief in respect of an expansion of operations. Relief awarded will be restricted to the rates arising from the consequent increase in rateable value.

4.5 Businesses that are expanding operations will not be eligible if the business is already in receipt of discretionary rate relief for the premises, and has been for more than 5 years. Businesses who have been in receipt of discretionary relief for less than 5 years should contact the Council before submitting an application.

#### 5. **Businesses which will be considered for Relief**

5.1 The Waterside Enterprise Zone aims to expand the city centre general office market, and creation of office space therefore contributes directly to the zone's objectives. Development of ancillary workspace, leisure, food and beverage, and hotel uses facilitate this objective and are also encouraged. Waterside may also have scope for advanced manufacturing businesses.

5.2 More detail about the objectives of the Waterside regeneration strategy can be found in the planning policy for the area, the city's core strategy and the Waterside supplementary planning document.

5.3 To support these objectives, rates relief will be considered for the following types of occupation:-

(a) Companies predominantly occupying office accommodation (planning use class B1(a));

(b) Premises that are wholly or mainly to be used as hotels (planning use class C1), shops (planning use class A1), restaurants (planning use class A3), cafes (planning use class A3) and drinking establishments (planning use class A4);

- (c) Companies operating primarily in workspace or studio space in the creative industry sector (planning use class B1(c));
  - (d) Companies operating primarily in hi-tech manufacturing (planning use class B1(c)).
- 5.4 Businesses already located in Leicester or Leicestershire but outside of the zone must also demonstrate planned growth in the 5 years subsequent to occupation. This means a planned:-
- (a) 20% increase in employment; or
  - (b) 20% increase in turnover.
- 5.5 Future entitlement to relief would be reviewed if it becomes apparent that plans are not being achieved.
- 5.6 Business rates relief will be considered for construction compounds and site offices associated with developments likely to be eligible for relief.

## 6. **Businesses which are not eligible for relief**

- 6.1 Relief will not be granted to:-
- (a) Financial services with planning use class A2, other than bank or building society branches (e.g bureaux de change, payday lenders, betting shops, and pawnbrokers);
  - (b) Bookmakers and gambling establishments;
  - (c) Car parks;
  - (d) Shops or venues mainly offering material of an adult or sexual nature;
  - (e) Hot food and takeaway premises (planning use class A5);
  - (d) Sui generis uses not compatible with a high quality residential environment (e.g. taxi offices, nightclubs, and amusement centres).

## 7. **How does the process work?**

- 7.1 An application form and state aid declaration must be submitted to the Council. This can be found here: <https://www.leicester.gov.uk/business/business-rates/reliefs-and-exemptions/>

- 7.2 Successful applicants will receive a rates bill showing the reduced amount payable (which may be nil).
- 7.3 Relief will be calculated after applying any of the following reliefs to which an occupier may be or become entitled:-
- (a) Small business relief;
  - (b) Relief granted for an initial period when the property is empty (i.e. before the business takes occupation);
  - (c) Any other discretionary relief.
- 7.4 An applicant who is refused relief has the right to appeal under the process described below.

## 8. **State Aid**

- 8.1 Relief under this policy is classed as “state aid.” The European Union regulates state support to businesses, with the aim of ensuring fair competition and proper functioning of the single market. There is as yet no indication of how the UK’s withdrawal from the European Union will affect state aid rules.
- 8.2 Relief is made available under the “de minimis” provisions, which enable governmental bodies such as the Council to provide support which does not exceed 200,000 euros over a three year period. At the time of writing, this amounts to around £58,000 per year.
- 8.3 The limit applies not just to rates relief granted on a particular property. It applies to all support granted, by any governmental body, to the entire business enterprise. It does not apply to support provided under an EU provision other than the de minimis rules (such as regional investment aid).
- 8.4 Some types of business are excluded from benefitting from the de minimis rules. These exclusions are unlikely to apply to businesses relocating to, or expanding on, the zone but will nonetheless be taken into account by the Council when assessing eligibility to rate relief.
- 8.5 The rules regarding ineligible sectors can be found here: [http://ec.europa.eu/competition/state\\_aid/legislation/de\\_minimis\\_regulation\\_en.pdf](http://ec.europa.eu/competition/state_aid/legislation/de_minimis_regulation_en.pdf).
- 8.6 With the application form is a state aid declaration. This asks for information on other awards of aid provided (by any body) under these provisions in the current and previous two financial years. The Council will require a declaration from the business that receiving relief will not lead them to exceed the 200,000 euros threshold. Where state aid has previously been provided under de minimis provisions, a letter to this effect will usually have been provided by the body which provided the support.

- 8.7 The Council will not grant rates relief unless it is satisfied that the business will not exceed the de minimis limit.
- 8.8 If it transpires that relief provided did, in fact, cause the business to exceed the limit, the Council will be responsible for recovering the money from the business concerned (with compound interest).

9. **Appeals Process**

- 9.1 Businesses which feel that they meet the criteria of this policy but are not awarded relief may appeal.
- 9.2 There are two possible grounds for appeal:-
- (a) The business believes that the Council has incorrectly applied the policy, and has therefore erroneously failed to grant relief or has not granted the correct amount;
  - (b) The property is not eligible for relief, but the appellant can demonstrate that the proposed use makes a contribution to the objective of the zone, equivalent to the uses in paragraph 5.
- 9.3 All appeals must be made in writing to the business rates service, whose contact details can be found here: [www.leicester.gov.uk/businessrates](http://www.leicester.gov.uk/businessrates). Businesses must clearly state the reason why they believe they are eligible for relief.
- 9.4 Appeals will be considered within four weeks of submission of all necessary information.
- 9.5 Appeals will be considered in line with this policy, and the Director of City Development is the sole arbiter.
- 9.6 Decisions taken by the Director of City Development are final, and the outcome will be communicated to the business in writing. If an appeal is successful, rate relief will be backdated for the full year in which the appeal is received.