# Business Rates 2023 Revaluation, Transition & Interest on Overpayments

Robin Gibbons IRRV Tech – Business Rates Manager (Bolton Council) Peter Haywood IRRV Tech – Client Solution Manager (Bristow & Sutor)

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# **Revaluation 2023**

- Antecedent Valuation Date 1 April 2021
- Revaluation challenges as a result of pandemic
- Limited ability to inspect
- Analysis of rents more complex e.g. dealing with 'rent free' periods
- Revaluation had to reflect growth in rents from 2015 to 2020 not just the impact of the pandemic
- Summary valuations published online
- Formal check/challenges can't be made until 1 April 2023



#### **Revaluation – National Summary**

- 2.14m hereditaments at 22/11/22
- £70.3bn in RV compared to £65.7bn on 2017 List
- Total RV increase for England was 7.3%
- Largest Total Increase East region 14.4%
- Lowest Total Increase North East region 2.2%
- Retail sector showed a 10% decrease in RV, the only sector to show a decrease
- Industry sector showed a 27.1% increase in RV, the largest increase in any sector

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#### **Revaluation – Central List**

- Contains the rating assessments of the network property of major transport, utility and telecommunications undertakings and cross-country pipelines.
- RV of England List decreased by 0.6% to £3.5bn



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#### **Revaluation – North West**

- Total RV in the region increased by 7.4%
- Retail Sector decreased by 9.9%
- Industry Sector increased 23.2%
- Offices increased 17.2%
- Local fluctuations within these totals
- www.gov.uk/government/statistics/non-domesticrating-change-in-rateable-value-of-rating-lists-englandand-wales-2023-revaluation/non-domestic-rating-reval-2023-draft-list-statistical-commentary-and-backgroundinformation

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#### Provisional Multipliers 2023-24 - England

- Government Response to Transitional Arrangements Consultation – BRIL 6/2022
- Provisional Small Business Multiplier 49.9p
- Provisional Supplement to fund SBRR 1.3p
- Provisional Non-Domestic Multiplier 51.2p
- Confirmed by either Local Government Finance Report 2022/23 being approved by the House of Commons or 1 March 2023, whichever is earlier



# Transition 2023 - England

- Consultation closed on 25 July 2022 response 17 November 2022
- Relief scheme similar to previous schemes
- No inflation effect in 2023/24
- No transition premium
- Exchequer Funded



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#### Transition 2023

- 3 year scheme
- Small properties up to & inc RV £20k (£28k in London)
- Medium properties RV more than £20k up to £100k
- Large properties greater than RV £100k
- Material changes, splits and mergers as before
- Q (inflation) is specified as 1 for 2023/24



#### Transition 2023

- Only phases in effects of RV changes (increases)
- Does not phase in SBRR changes (Supporting Small Business Relief does that)
- SBRR "supplement" outside transition as before
- Same certificates as before (although reg no. differs)
- Certificates should be issued automatically by VO
- Hereditaments with zero RV at 31/3/23 are excluded from transition

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## **Transition Principles**

- Phases in 'large' increases directly resulting from revaluation
- Compares RV (on 31.3.23) x 0.499 (small business multiplier) with RV (on 1.4.23) x 0.499 (small business multiplier). Increases above a certain % attract transitional relief
- Then add on the supplement (RV x 1.3p) if it applies



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#### **Transition Principles**

- Increases in RV after revaluation charged in full not subject to transition
- Building extension not there at 31 March 2023 so not subject to transition
- Calculate transition with the RV on 1 April 2023
- Add on a full rate charge on the RV increase
- Add RV increase times multiplier
- Add on the supplement (if applicable)



#### **Transition Principles**

#### SPLITS AND MERGERS

- As with RV reduction charge is apportioned so is transition
- Every new hereditament is either a split or a merger
- Determine which hereditament(s) it came from
- Sum of the old charge(s) multiplied by New RV/Old RV(s)



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# 2023 List Certificates

- Reg numbers 2 higher than 2017 list equivalent
- Reg 16 Material change and RV change on 1/4/23
- Reg 18 RV change should have been from 1/4/23
- Reg 19 RV change should have been on 31/3/23 or earlier
- Reg 20 Split or merger should have been on 31/3/23 or earlier
- Schedule Split or merger on or after 1/4/23
- Only 1 Schedule this time no transition premium (refurbished property deleted from 2010 List)

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#### CAPS - Limit on Increases - X

- MEDIUM YEAR SMALL LARGE 2023/24 105 (5%) 115 (15%) 130 (30%) 2024/25 110 (10%) 140 (40%) 125 (25%) 2025/26 125 (25%) 140 (40%) 155 (55%)
- Small RV = £20,000 or less
- Medium RV = more than £20k up to £100k
- Large RV = more than £100,000
- 24/5 & 25/6 caps are before inflation



# Appropriate Fraction (AF)

• Appropriate Fraction =  $AF = X \times Q$ 

100

- X = limit on increase
- Q = inflation factor (2023/24 = 1)
- From 2024/25 Q = <u>D (1)</u>
  D (2)
- D(1) = small multiplier for year
- D(2) = small multiplier for previous year



# Legislation

- The Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022 (SI 1403 of 2022)
- Reg 1- England Only
- Regulation 22 (revocations) in force 1<sup>st</sup> April 2023 Reg 2
- Interpretations Reg 3 (similar to 2017 List)
- Relevant period/day/year Reg 4 still refers to a 5 year period (legislation required). 'Early relevant years' begin 1 April 2023, 2024 and 2025
- Reg 6 Special Authorities (City of London)



Defined hereditament (subject to transition)

- Hereditament is shown in:
  - a list on 31/3/23 with RV > 0; and
  - the relevant day with RV > 0; and
  - every day in between with RV > 0
- (so if RV is £0 at 31/3/23 no transition applies)
- Or Created by split/merger under the Schedule



# Definitions (Regs 7 – 10)

- NCA = Notional Chargeable Amount = RV at 1 April 2023 x SBRR multiplier (49.9p) – reliefs ignored
- BL = Base Liability = RV on 31 March 2023 x SBRR multiplier (49.9p) – reliefs ignored
- X = transitional limit set by Government (the maximum % a bill can rise <u>before</u> inflation)
- Q = Inflation (23/24 = 1)
- AF = Appropriate Fraction = the maximum % a bill can rise <u>after</u> inflation
- U = Small Business Relief supplement that's added to the Small Business Multiplier to result in the higher multiplier

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- NCA = notional chargeable amount
- Determines transition for the 'early relevant years'
- NCA =  $A \times D$
- A = RV at 1/4/23
- D = small business multiplier for the year
- When regulation 16 applies (RV change on 1/4/23) use certificated RV
- When the Schedule applies (splits/mergers)
  NCA = J x D where J = RV at creation day



Base Liability (BL) for 23/24

- $BL = Y \times Z$
- Y = RV at 31/3/23
- Z = SBRR multiplier for 2022/23 (49.9p)
- Includes provision for certificate for a central list hereditament



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From 2024/25 onwards, the base liability is:

- BL x AF
- BL = base liability for previous year
- AF = appropriate fraction for previous year
- For splits and mergers see Schedule



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• Appropriate Fraction =  $AF = X \times Q$ 

100

- X = limit on increase
- Q = inflation factor
- Q is specified for 2023/24 as 1
- From 2024/25 Q = <u>D (1)</u> = <u>small multiplier for year</u>

D (2) small multiplier for prev year

- Rounding to 3 decimal places only
- Rounding instruction removed from these regs

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Increases	- X	
SMALL	MEDIUM	LARGE
105	115	130
110	125	140
125	140	155
	Increases SMALL 105 110 125	Increases - X      SMALL    MEDIUM      105    115      110    125      125    140

- Small RV = £20,000 or less
- Medium RV = more than £20k up to £100k
- Large RV = more than £100,000
- 24/5 & 25/6 caps are before inflation



- Limit on increases
  - If NCA is greater than BL and also greater than BL x AF then regulation 12 applies
- Does not apply where the Schedule (splits/mergers) applies in year in which creation day falls
- Does not apply where chargeable amount is zero (public lavatories/unoccupied hereditaments zero rating)



- Contribution to SBR outside transition
- Chargeable amount  $= (BL \times AF) + U$
- U =  $((B D) \times N)$
- B = multiplier
- D = small business multiplier
- C = days in relevant year (366 in 2023/24)
- N = RV

So in more simple terms U is rateable value x small business relief supplement!

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Reliefs reduce chargeable amount

- Charities/CASC's divide by 5
- Small business relief cases
  - Deduct U gives effect of lower multiplier
  - Divide by E gives percentage reduction

 $\frac{((BL \times AF)/C) + U - U}{E} = \frac{BL \times AF}{C \times E}$ 

- where E = SBR factor



# SBR Factor (E)

- The Non-Domestic Rating (Reliefs, Thresholds and Amendment) (England) Order 2017
- (a) is not more than £12,000, shall be 5,000,000;
- (b)is more than £12,000 and not more than £15,000, amount derived from dividing 3,000 by the figure reached by subtracting 12,000 from the rateable value of the hereditament
- (c) is more than £15,000 shall be 1.



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- Rural shops divide by 2
- Empty property full charge
- Empty charities no charge
- Regulation also has effect subject to modifications made by:
  - RV change after 1/4/23 reg 13
  - RV change on 1/4/23 reg16
  - Part-occupied reg 17



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# **Summary of Definitions**

- NCA = Notional Chargeable Amount = RV at 1 April 2023 x SBRR multiplier (49.9p)
- BL = Base Liability = RV on 31 March 2023 x SBRR multiplier (49.9p)
- X = transitional limit set by Government
- Q = Inflation (23/24 = 1)
- AF = Appropriate Fraction = <u>X x Q</u>
  - 100
- C = days in year = 366 in 2023/24
- U = (RV x 0.013)/C in 2023/24
- Daily chargeable amount = (BL x AF) + U



#### What We Know So Far

- Transition used to phase in some increases following the 2023 revaluation
- A comparison is made between Base Liability (BL) and Notional Chargeable Amount (NCA). Increases above a certain % then attract transitional relief
- For 2023 revaluation the scheme will last 3 years
- Maximum increases Appropriate Fraction (AF) for 2023/24 are 5% (small), 15% (medium), 30% (large)
- No inflation adjustment in 23/24
- Transition is calculated before any reliefs are applied

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# 23/24 Annual Billing Calculation

- Which RV band is hereditament in Large (RV above £100k), Medium (£20,001-£100k) or Small (£20k and less)
- Step 1 Multiply RV (on 1.4.23) x £0.499 NCA
- Step 2 Multiply RV (on 31.3.23) x £0.499 BL
- Step 3 Multiply the figure in Step 2 by the relevant **AF**
- Step 4 If BL x AF (Step 3) is lower than NCA (Step 1) then the Step 1 amount (NCA) is deducted from the Step 3 amount (BL x AF) to give transitional relief figure (negative amount). If it isn't lower then no transition applies.
- Step 5 Multiply RV (on 1.4.23) x £0.499 (or £0.512 is supplement is charged - all RVs £51k and above, empty properties & properties subject to mandatory relief)
- Step 6 Amount in 5 combined with amount in 4

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	LA	RGE PROPE	RTY – INCREA	SE	
RV 1.4.23 £1, RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000					

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	LA	RGE PROPER	RTY – INCREA	SE	
RV 1.4.23 £1 RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000	500,000 x 0.499 = £249,500				

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	LA	RGE PROPER	RTY – INCREA	SE	
RV 1.4.23 £1,000,000 RV 31.3.23 £500,000					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000	500,000 x 0.499 = £249,500	£249,500 x 1.3 = £324,350			

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	LA	RGE PROPE	RTY – INCREA	SE	
RV 1.4.23 £1 RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000	500,000 x 0.499 = £249,500	£249,500 x 1.3 = £324,350	£324,350 - £499,000 <b>= -£174,650</b>		

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	LA	RGE PROPE	RTY – INCREA	SE	
RV 1.4.23 £1 RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000	500,000 x 0.499 = £249,500	£249,500 x 1.3 = £324,350	£324,350 - £499,000 <b>= -£174,650</b>	1,000,000 x 0.512 = £512,000	

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#### Example 1 - Large

	LA	RGE PROPE	RTY – INCREA	SE	
RV 1.4.23 £1,000,000 RV 31.3.23 £500,000					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Amount from Step 3 minus Amount from Step 1 Transition Amount	STEP 5 – RV x Multiplier (0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
1,000,000 x 0.499 = £499,000	500,000 x 0.499 = £249,500	£249,500 x 1.3 = £324,350	£324,350 - £499,000 <b>= -£174,650</b>	1,000,000 x 0.512 = £512,000	£512,000 - £174,650 <b>= £337,350</b>

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	ME	DIUM PROPE	RTY - INCREA	ASE	
RV 1.4.23 £4	7,750				
RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Step 3 Amount minus Step 1 Amount = Transition Amount	STEP 5 – RV x Multiplier (0.499 or 0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
47,750 x 0.499 = £23,827.25					Irry

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	ME	DIUM PROPE	RTY - INCREA	ASE	
RV 1.4.23 £4	7,750				
RV 31.3.23 £					
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Step 3 Amount minus Step 1 Amount = Transition Amount	STEP 5 – RV x Multiplier (0.499 or 0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
47,750 x 0.499 = £23,827.25	31,000 x 0.499 = £15,469.00				
					irry

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	ME	DIUM PROPE	RTY - INCREA	ASE	
RV 1.4.23 £47					
RV 31.3.23 £3	31,000				
STEP 1 – NCA (rv 1.4.23 x 0.499)	STEP 2 – BL (rv 31.3.23 x 0.499)	STEP 3 – BL (from 2) x AF	STEP 4 (if 3 less than 1). Step 3 Amount minus Step 1 Amount = Transition Amount	STEP 5 – RV x Multiplier (0.499 or 0.512)	STEP 6 – PAYABLE Combine amounts from steps 5 & 4
47,750 x 0.499 = £23,827.25	31,000 x 0.499 = £15,469.00	£15,469 x 1.15 = £17,789.35			

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RV 1.4.23 £47					
RV 31.3.23 £	31,000				
STEP 1 –	STEP 2 –	STEP 3 –	STEP 4 (if 3	STEP 5 –	STEP 6 –
NCA (rv	BL	BL (from 2)	less than 1).	RV x	PAYABLE
1.4.23 x	(rv 31.3.23 x	x AF	Step 3	Multiplier	Combine
0.499)	0.499)		Amount	(0.499 or	amounts
			minus Step	0.512)	from steps 5
			1 Amount =		& 4
			Transition		
			Amount		
47,750 x	31,000 x	£15,469 x	£17,789.35 -		
0.499	0.499	1.15	£23,827.25		
=	=	_	=		
£23,827.25	£15,469.00	_ £17,789.35	-£6,037.90		

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	SE					
RV 1.4.23 £47						
RV 31.3.23 £3	RV 31.3.23 £31,000					
STEP 1 –	STEP 2 –	STEP 3 –	STEP 4 (if 3	STEP 5 –	STEP 6 –	
NCA (rv	BL	BL (from 2)	less than 1).	RV x	PAYABLE	
1.4.23 x	(rv 31.3.23 x	x AF	Step 3	Multiplier	Combine	
0.499)	0.499)		Amount	(0.499 or	amounts	
			minus Step	0.512)	from steps 5	
			1 Amount =		& 4	
			Transition			
			Amount			
47,750 x	31,000 x	£15,469 x	£17,789.35 -	47,750 x		
0.499	0.499	1.15	£23,827.25	0.499		
=	=	=	=	=		
£23,827.25	£15,469.00	£17,789.35	-£6,037.90	£23,827.25		

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MEDIUM PROPERTY – INCREASE					
RV 1.4.23 £47					
RV 31.3.23 £3					
STEP 1 –	STEP 2 –	STEP 3 –	STEP 4 (if 3	STEP 5 –	STEP 6 –
NCA (rv	BL	BL (from 2)	less than 1).	RV x	PAYABLE
1.4.23 x	(rv 31.3.23 x	x AF	Step 3	Multiplier	Combine
0.499)	0.499)		Amount	(0.499 or	amounts
			minus Step	0.512)	from steps 5
			1 Amount =		& 4
			Transition		
			Amount		
47,750 x	31,000 x	£15,469 x	£17,789.35 -	47,750 x	£23,827.25
0.499	0.499	1.15	£23,827.25	0.499	- £6,037.90
=	=	=	=	=	=
£23,827.25	£15,469.00	£17.789.35	-£6,037.90	£23.827.25	£17.789.35
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	SN	ALL PROPER	RTY – INCREA	SE		
RV 1.4.23 £1						
RV 31.3.23 £7						
STEP 1 –	STEP 1 – STEP 2 – STEP 3 – STEP 4 (if 3 STEP 5 –					
NCA (rv	BL	BL (from 2)	less than 1).	RV x	PAYABLE	
1.4.23 x	(rv 31.3.23 x	x AF	Amount	Multiplier	Combine	
0.499)	0.499)		from Step 3	(0.499 or	amounts	
			minus	0.512)	from steps 5	
			Amount		& 4	
			from Step 1			
			Transition			
			Amount			
15,000 x	7,700 x	£3,842.30 x	£4,034.42 -	15,000 x	£7,485 -	
0.499	0.499	1.05	£7,485	0.499	£3,450.58	
= £7,485.00	= £3,842.30	= £4,034.42	= -£3,450.58	= £7,485	= £4,034.42	
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- RV increases after 1/4/23
- No transition on increase
  (BL x AF) + ((N-J) x D) + U
- N = new RV
- J = RV at 1/4/23
- C = days in relevant year
- D = small business multiplier



#### Reg 13 – RV Increase Example

RV AT 1.4.17 - £15000, RV AT 31.3.23 - £7700 BL x AF £4,034.42 (Charge £4,034.42)

RV increase to £20000 wef 1.5.23

30 days = £4,034.42 / 366 x 30 = **£330.69** 

336 days = £4,034.42 + ((£20000 - £15000) x 0.499) / 366 x 336 (U = £0 - no supp)= **£5,994.22** 

#### Annual Charge = £6,324.91

 From date of increase added RV increase x multiplier to original bill

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- RV reduction after 1/4/23
- Apportion chargeable amount pro rata (BL x AF x N) + U (C x J)
- N = new RV
- J = RV at 1/4/23
- C = days in relevant year
- Regulation also has effect subject to modifications made by:
  - RV change on 1/4/23 reg.16
  - Split/merger after 1/4/23 para 10 of Schedule

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### Reg 13 – RV Reduction Example

#### RV AT 1.4.17 - £1,000,000, RV AT 31.3.23 - £500,000 BL x AF £324,350 (Charge £337,350)

RV decrease to £750,000 wef 1.5.23

30 days = £337,350 / 366 x 30 = **£27,651.64** 

336 days = £324,350 x (750,000/1,000,000) + (750,000 x .013) / 366 x 336 = **£232,273.77** 

#### Annual Charge = £259,925.41

 From date of decrease chargeable amount reduced pro rata - new over old rv's (supplement charged in full)

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### Regulations 14 & 15

- Transitional Relief (TR) usually funded by Transitional Premium (phasing in of rates decreases after reval)
- S57A(10) of LGFA 1988 requires Secretary of State to ensure transition is funded within business rates
- Regs 14 & 15 are the provision of a supplement of 3.3p payable in 27/28
- Government is to bring forward next revaluation to 1st April 2026 and remove from S57A(10)the requirements regarding the funding of TR
- Both measures require primary legislation
- Will remove the supplement from the regs at the same time and fund scheme via Exchequer

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- Reg numbers increase by 2 from here compared to 2017 List!
- Similar to Reg 14 in 2017 List regs
- RV change on 1/4/23
- Material change actually happened on 1/4/23
- No corresponding change on 31/3/23
- VO certifies RV on 1/4/23 = J
- New RV on 1/4/23 = N



- Similar to Reg 15 for 2017 List
- Deals with partly occupied hereditaments
- Section 44A apportionment
- Multiply transitional charge by A/P
- A = apportioned RV
- P = actual RV
- Charge reduces based on apportioned RV so does Transitional Relief



- Certificates for RV changes where 1/4/23 RV is inaccurate
- Should be issued by VOA automatically
- Ratepayer can apply
- RV change is date restricted RV change would go back to 1/4/23 if it could.
- Certificated Value for 1/4/23 only has effect from date of related alteration <u>BUT</u> as if it was always there

RATING & VALUATION

• If no alteration to list - has effect from date certificate was either requested, or if not requested issued

### Regulation 18 - Effect

- Creates a second certificated NCA
- Creates a second transitional calculation
- Before effective date use original NCA
- After effective date recalculate from 1/4/23 using certificated NCA but only use this charge from the effective date onwards



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- Certificates for RV changes where 31/3/23 RV is inaccurate
- Should be issued by VOA automatically
- Ratepayer can apply
- RV change is date restricted RV change would go back to 31/3/23 if it could.
- May be a corresponding Reg 18 certificate
- Transition calculation from effective date of change will reflect what RV's should have been



## Regulation 19 - Effect

- Creates a second certificated BL
- Before effective date-use original BL
- Where certificated RV for 31/3/23 is <u>below</u> RV in list on 31/3/23, it has effect from 1/4/23
- Equivalent 2023 List reduction should be able to go back to 1/4/23
- Where certificated RV for 31/3/23 is <u>above</u> RV in list on 31/3/23 it has <u>effect from same date as Reg 18 cert</u> or if <u>no Reg 18 cert, the</u> <u>date the cert was requested or if not requested, was issued</u>
- After effective date recalculate from 1/4/17 using certificated BL but only use this charge from the effective date onwards



- Where splits/mergers are not possible in 2017 List
- Split/merger actually happened <u>before</u> 1/4/23
- Split/merged done from 1/4/23
- Not split /merged in 2017 List
- Certificated value for 31/3/23
- Used for transition from 1/4/23 only
- Transitional BL as if amended on 31/3/23



Splits and mergers in the Central List - If on 1st April 2023 a new hereditament comes into existence by virtue of a split/merger and is first shown in the central list on 1st April 2023;

- Old hereditament(s) forming all or part of the new one was shown in a local list or in the central list for 31st March 2023, with a rateable value greater than zero; and
- New hereditament comes into existence by virtue of regulations made under section 64(3) of the Act.
- VOA must issue a certificate certifying RV that would have been shown in central list for new hereditament for 31st March 2023, had the new hereditament been shown in the list on that date.

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- Also applies to the central list
- More than one hereditament is shown in relation to a designated person, the VO must issue a certificate for the RV that would have been shown if it had been the only hereditament in relation to that designated person.



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- Now 3 different compared 2017 List (Reg 21 is new this time)
- Reg 23 comparable to Reg 20 in 2017 List
- Valuation Officer to issue certificates as soon as practicable
- Substituted certificates
- Rules on notification by Valuation officer



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- Appeals against certificates
- "Interested person"
- Appellant serves notice on Valuation officer
- Refer to Valuation Tribunal for England



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- Revokes regulations 17 and 18 of Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2009
- Regulation 17(6) of the 2009 Regs continues to have effect in relation to certificates which are subject to an appeal under Reg 18, where the circumstances mentioned in regulation 18(3)(a) or (b) do not apply and the appeal has not been finally disposed of by the Valuation Tribunal for England



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- Splits, mergers and re-organisations
- On or after 1/4/23
- Old hereditament in list on 31/3/23
- New RV not zero and continuously in list from creation day



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- Splits continue in transition
- Chargeable amount = <u>R x J</u>

#### S

- R = chargeable amount old property would have had on creation day based on old RV or, if 1/4/23, certificated old value for 1/4/23
- J = New RV on creation day
- S = RV of old hereditament on previous day or, if 1/4/23, certificated old value for 1/4/23



- Splits
- Charities/CASC's divide by 5
- If receiving small business relief, deduct U (multiplier supplement x Rv divided by number of days) then divide by E (applies percentage reduction)
- Rural shops divide by 2
- Empty property full charge
- Empty charities/CASC's no charge



- Mergers continue in transition
- Same as splits
- Chargeable amount = <u>R x J</u>

#### • R = sum of old chargeable amounts, etc.

- J = new RV on creation day
- S = sum of RVs of old herditaments on previous day or, if 1/4/23, certificated old values for 1/4/23

S

• Adjustments for reliefs as with splits





- RV amendments after split or merger
- Add ((N J) x B) for RV increase
- Multiply by (N/J) for RV decrease
- NCA = J x D where D = small business multiplier
- Next BL = (T x C) ((B D) x J) where
  - T = full transitional charge for creation day
  - B, D and J defined as previously
  - C = days in relevant year
- Subsequent base liability = BL x AF


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# Small Business Relief - England

- The Non-Domestic Rating (Reliefs, Thresholds and Amendment) (England) Order 2017 still applies
- No change to thresholds
- 100% relief up to RV £12,000
- Sliding scale up to RV £15,000
- Lower multiplier applies to all hereditaments with RV below £51,000 except empty hereditaments and those subject to mandatory (charity) relief – no application
- Ratepayer must apply for the % reduction (not required to complete a form)



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## Small Business Relief - England

- Percentage relief only available to businesses that <u>occupy</u> only one hereditament in England
- Additional properties ignored below £2900 RV
- TOTAL of RVs must be below maximum limit (£20k)
- Relief based on RV of qualifying property
- Second properties no relief
- Relief continues for 12 months after a ratepayer occupies a second hereditament (unless eligible for SBRR at second one)

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### Retail, Hospitality & Leisure Relief

- Provides eligible, occupied, retail, hospitality, and leisure properties with <u>75% relief</u>
- Cash cap of £110,000 per business (across all their hereditaments in England).
- Awards will again be made using discretionary relief powers under section 47 of the Local Government Finance Act 1988
- BA's reimbursed under Section 31 of the Local Government Act 2003

# Retail Relief – Eligiblity

Occupied hereditaments which meet all of the following conditions for the chargeable day:

Wholly or mainly being used:

- i. as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- ii. for assembly and leisure; or
- iii. as hotels, guest & boarding premises or self-catering accommodation

No change from 22/23 scheme



### Cash Cap and Subsidy Control

- No ratepayer can exceed the £110,000 cash cap across all of their hereditaments in England
- Considered as one ratepayer where:
- a. where both ratepayers are companies, and
- i. one is a subsidiary of the other, or
- ii. both are subsidiaries of the same company; or

b. where only one ratepayer is a company, and the other ratepayer (the "second ratepayer") is not a company but effectively the holding company of the other.

### Cash Cap and Subsidy Control

- Retail Hospitality and Leisure Relief Scheme is likely to amount to subsidy.
- Any relief provided by Local Authorities under this scheme will need to comply with the UK's domestic and international subsidy control obligations
- £315k subsidy limit 3 years up to and inc 2023/24
- See BEIS guidance for new UK subsidy control regime, which will commence on 4 January 2023.
- www.gov.uk/government/collections/subsidy-controlregime

### **Rural Rate Relief**

- No change to 2017 List
- Relief doubled to 100% from April 2017
- Primary legislation required to amend this Act was dropped
- Authorities are expected to use local discretionary relief powers to grant 100% rural rate relief
- Then claim back from Government as s31 grant
- Where Mandatory Charitable Relief applies Rural Relief and Small Business Relief still do not
- Where Mandatory Rural Relief applies, Small Business Relief does not

# Supporting Small Business Relief

- Scheme caps bill increases at £600 per year where increase due losing eligibility for some/all Small Business Rate Relief or Rural Rate Relief at the 2023 revaluation
- 2023 scheme will not include minimum percentage bill increases (unlike the 2017 scheme) simpler scheme
- Those on 2023 SSBR whose 2023 RVs are £51,000 or more will not pay the supplement (1.3p) to fund small business rate relief while they are eligible for 2023 SSBR
- Another S47 award reimbursed under S31 BA's need to have the 'local' scheme approved
- Central government reimburses cost of awards
- See BRIL 7/2022 for full guidance



## Sequence of 2023/24 Reliefs

- Transitional Relief
- Mandatory Reliefs (as determined in legislation no change)
- S47 Discretionary Relief in the following order:
- I. 2023 Supporting Small Business (SSB)
- II. Former categories of discretionary relief available prior to the Localism Act 2011 (i.e. charitable, CASC and rural top up, not for profit)
- III. Other discretionary (centrally funded) such as Freeport relief
- IV. 2023/24 Retail Hospitality and Leisure relief scheme
- V. Other locally funded schemes (such as hardship)



# SSBR Eligibility

- Charities and CASCs not eligible (they can't get SBRR or Rural Relief)
- Businesses continuing to receive support from 2017 scheme in 2022/23 if still eligible for 2023 scheme their eligibility will end 31 March 2024
- Change of occupier doesn't end SSBR but property becoming vacant or occupied by a charity/CASC does
- No SSBR if SBRR is lost due to taking on another property (if given 12-month period of grace before relief ended - can continue on the 2023 SSBR scheme for the remainder of this 12-month period)

# SSBR Eligibility

- Charities and CASCs not eligible (they can't get SBRR or Rural Relief)
- Businesses continuing to receive support from 2017 scheme in 2022/23 if still eligible for 2023 scheme their eligibility will end 31 March 2024
- Change of occupier doesn't end SSBR but property becoming vacant or occupied by a charity/CASC does
- No SSBR if SBRR is lost due to taking on another property (if given 12-month period of grace before relief ended - can continue on the 2023 SSBR scheme for the remainder of this 12-month period)

# SSBR – Day 1 Eligibility

- Applies to hereditaments that on 31 March 2023 were receiving SBRR, Rural Relief or extended transition/SSBR scheme (ignore other S47 reliefs when calculating 31 March 2023 chargeable amount)
- Chargeable amount for 1 April 2023 would otherwise be found in accordance with section 43(4), 43(4A), 43(6A) or regulations 12(3), 12(7) or 12(9) of the Non-Domestic Rating (Chargeable Amounts) (England) Regs 2022 – excludes mandatory charity relief, empty charges
- Chargeable amount for 1 April 2023 would be more than (£600/365 days) higher than the chargeable amount for 31 March 2023

## SSBR – Continued Eligibility

After 1 April 2023, 2023 SSBR will permanently cease to apply where:

- Chargeable amount under 2023 SSBR is same as or more than amount in the absence of 2023 SSBR
- Becomes occupied by a charity/CASC
- Becomes vacant
- In respect of days from 1 April 2024 onwards the chargeable amount for 31 March 2023 included a S47 award in respect of extended transitional relief 2017 SSBR scheme

# SSBR – Eligibility via Reg 18 Cert

- Where Reg 18 cert is issued eligibility for 2023 SSBR and calculation of 2023 SSBR should be revisited
- Use certified value in place of the value shown in the list for 1 April 2023.
- As with transition, cert has effect as regards the days referred to in Reg 18(4) (the effective date of when list was altered to correct the inaccuracy and subsequent days) or regulation 18(5) (where no alteration has been made)
- Ensures ratepayers not penalised just because increase in RV was not backdated to 1 April 2023

#### SSBR – Chargeable Amount

Same rules Parts 1 to 3 of the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2022 subject to the following changes:

a. BL for 2023/24 is the chargeable amount for 31 March 2023 x 365 on the assumption that section 47 did not apply for 31 March 2023 (other than where the hereditament was eligible for the Extension of Transitional Relief & Supporting Small Business Relief)

 Ensures starting base liability for hereditaments eligible for 2023 SSBR include the SBRR, rural rate relief or Extension of TR/SSB for 31 March 2023

#### SSBR – Chargeable Amount

b. Where certificate issued under Regs 19 or 20 BL for 2023/24 is found in line with a) but assuming RV in rating list was RVs certified
c. References to "(BL x AF)" are "(BL + 600)" - limits increase to £600
d. Regulation 12(6)(b) is omitted (ensures SBRR is not also applied to the capped bill in 2023 SSBR)

- e. Reference to "2" in Reg 12(8) is "1" (ensures rural rate relief is not also applied to the capped bill in SSBR)
- f. "U" is taken to have a value of 0 throughout (ensures that if RV is £51,000 or more the 1.3p supplement is not paid whilst eligible for SSBR
- g. for a year (the year concerned) subsequent to 2023/24, BL is (BL + 600) from the year immediately preceding the year concerned

#### SSBR – Example 1

31 March 2023 RV: £3,000 (22/3 charge (£1497 before SBRR) 22/3 charge with SBRR = £0 (BL for SSBR calc) 1 April 2023 RV: £20,000 £9,980.00 NCA: TR Calc:(£1497(BL) x 1.05(AF)) = £1,571.85 **Trans Relief** Amount = £9980 - £1571.85 = -£8,408.15(Net 23/4 Charge (before SSBR) is £1,571.85) Actual charge is (BL (£0) + £600) = £600 so SSBR = -£971.85 Gives a final payable amount £600.00

#### SSBR – Example 2

31 March 2023 RV: £3,000 (22/3 charge £1497 before SBRR) Chargeable Amount after SBRR: £0 (BL for SSBR calc) 1 April 2023 RV: £14,000 NCA: £6,986.00 TR Calc:(£1497(BL) x 1.05(AF)) = £1,571.85 **Trans Relief** Amount = £6986 - £1571.85 = -£5,414.15**SBRR** Amount = (£1571.85/3) = -f 523.95(Net 23/4 Charge (before SSBR) is £1,047.90) Actual charge is (BL (£0) + £600) = £600 so SSBR = -£447.90 Gives a final payable amount of £600 (no further SBRR is applied to the £600 bill)

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### SSBR – Splits and Mergers

2023 SSBR will apply to new hereditaments formed by a split/merger if one of the hereditaments from which the new one was formed was for the day immediately before the creation day eligible for 2023 SSBR

- As with 2017 too complex for detailed rules!
- Few in number

Use principle:

a. the protection offered by SSBR (bill will not rise by more than £600 p.a.) will continue to apply in principle to that part of the newly created hereditament which was immediately before the creation day in SSBR (apportion new RV/old RV), and

b. that increases (or reductions) in overall RV arising from the sp or merger are not subject to the protection of SSBR.

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Reg 9(4) The Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989

- If there has been an overpayment in respect of any liability of the ratepayer under this Part, the amount overpaid for which such other provision as is mentioned in paragraph (1)(c) is not made—
- (a)shall be repaid if the ratepayer so requires, or
- (b)in any other case shall (as the charging authority determines) either be repaid or be credited against any subsequent liability of the ratepayer to pay anything to it by way of non-domestic rate.

Non-Domestic Rating (Payment of Interest) Regulations 1990

- Where overpayment results from alteration to Rating List
- No interest if payment made after liability order issued
- Where alteration made by an order of a Valuation Tribunal or the Lands Tribunal, not required to pay interest for a period of 35 days from the date of the order
- Interest Amount 1% less than bank base rate on 15 March (or next business day) of the preceding year (calculated to 2 decimal places – 5 ten-thousandths and below round down)
- Base rate reduced to 0.5% 5 March 2009
- Interest rate set to 0



YEAR	% RATE
90/91	14.00
91/92	12.00
92/93	9.50
93/94	5.00
94/95	4.25
95/96	5.75
96/97	5.00
97/98	5.00
98/99	6.25
99/00	4.50
00/01	5.00
2001/2	4.75
2002/3	3.00
2003/4	2.75
2004/5	3.00
2005/6	3.75
2006/7	3.50
2007/8	4.25
2008/9	4.25



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Section 369 (2) Income and Corporation Taxes Act 1988

- Income Tax deductible from interest payments sole traders, non-UK companies
- Tax not deductible
- UK Company
- Partnerships where each member is a company (e.g. solicitors, accountants)
- Non-resident company where interest payment will be taken into account when calculating Corporation Tax
- Exempt from tax local authorities, health authorities, registered charities



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#### Interest – Relevant Period

- Period commencing on the 1st April of the year in which the repayment is due, ending the day before payment is made; or
- Part of the period if the persons liability is for a lesser period; and
- Any other complete year; or
- Any part of another year where liability exists



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#### Interest – Subsequent Period

A successive period after the relevant period where the relevant period ends earlier than the day of repayment either because

- it is in an earlier year or
- there is a change of ratepayer



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## **Calculation of Interest**

Original payment made within year of reduction

- Calculation presumes rates paid evenly through the year
- Where repayment day (day on which refund is made) falls within the year of effective alteration and liability subsists on the day before the repayment day

#### <u>A x B x r</u>

#### 2C x 100

- A = Amount of overpayment for relevant period
- B = Number of days in relevant period
- r = Rate of Interest
- C = Number of days in year

### **Calculation of Interest**

In any other case

Add together the products of

<u>D x E x r</u>	and	<u>FxGxr</u>
2C x 100		C x 100

- D = Amount of overpayment for relevant period
- E = Number of days in relevant period
- r = Rate of Interest
- C = Number of days in year
- F = Amount of the overpayment of the relevant period to which the subsequent period in question relates [ rrv

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• G = Number of days in the subsequent period

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### Calculation of Interest - Example

Example – Refund to be made 1 May 2023 RV reduction from 1.4.17 results in £10,000 overpayment in 17/18

- Relevant period 1 April 2017 to 31 March 2018
- Subsequent Periods 18/19, 19/20 etc and 1 April 2023 to 30 April 2023
- Interest (r) 0 prior to 1 April 2023
- Current bank base rate (Jan 23) 3.5% so interest rate of 2.5% used in example



# Calculation of Interest - Example

Repayment (refund) made after year of reduction

Add together the products of  $D \times E \times r (17/18)$  and **F x G x r** (18/19 onwards) 2C x 100 **C x 100** (will be  $\pm 0.00 \ 18/19$  to 22/3 as r=0) £10000 x 30 x 2.5 (23/24) £10000 x 365 x 0 and 2 x 365 x 100 366 x 100 £20.49 and f0= = £20.49 (Tax 20% - £4.10) Net 17/18 Refund (No Tax) = £10,020.49 Net 17/18 Refund (with Tax) = £10,016.39 RATING & VALUATION

#### Calculation of Interest - Example

Example – Refund to be made 1 May 2023 RV reduction from 1.4.17 results in further £8,000 overpayment in 18/19

- Relevant period 1 April 2018 to 31 March 2019
- Subsequent Periods –19/20, 20/21 etc and 1 April 2023 to 30 April 2023
- Interest (r) 0 prior to 1 April 2023
- Current bank base rate (Jan 23) 3.5% so interest rate of 2.5% used in example

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**Calculation of Interest - Example**  Add together the products of  $D \times E \times r$  (18/19) and FxGxr 2C x 100 **C x 100** (£0.00 19/20 to end of 22/23) £8000 x 30 x 2.5 (23/24) £8000 x 365 x 0 and 2 x 365 x 100 366 x 100 £16.39 £0 and = = £16.39 (Tax 20% - £3.28) Net 18/19 Refund (No Tax) = £8,016.39 Net 18/19 Refund (with Tax) = £8,013.11

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