

DRAFT RESPONSE SERVICE

As part of the Rural Opportunities Bulletin, RSN will regularly provide concise potential responses to key current consultations. These are not intended to be definitive or to reflect the views of RSN and may include potentially opposing responses to reflect different views designed to assist individual organisations in compiling their own response. We do however recognise the pressure members are under and we hope this service will assist.

Reforming business rates appeals – Department for Communities and Local Government consultation

The business rates appeals system is being reformed to provide a quicker, clearer and more transparent service to businesses.

This consultation paper sets out proposals for a 3-stage approach: ‘check, challenge, appeal’, and seeks views from businesses and other interested parties.

This consultation closes on 4 January 2016.

<https://www.gov.uk/government/consultations/reforming-business-rates-appeals-check-challenge-appeal>

Question 1 – *We would welcome views on the overall approach set out in this consultation paper.*

Draft Response: Clarifying and simplifying the process for business rate appeals is welcomed and the proposed ‘check, challenge and appeal’ system seems sensible. The emphasis on evidence provision is welcomed.

Whilst the consultation assumes that the changes will result in savings rather than any additional cost to the public purse, this should be kept under scrutiny to ensure that no unforeseen additional costs are incurred.

Question 2 – *What are your views on when ‘relevant authorities’ should be involved in the process?*

Draft Response: Feedback from relevant authorities should be considered in detail to allow their involvement at the appropriate stage. Further consideration of this involvement is appropriate and is welcomed.

Question 3 – *We will consult further on the detail of these penalties, but in the meantime, would welcome general views on implementation and the likely disincentive effect of this measure.*

Draft Response: A balance needs to be struck between providing sufficient penalties to avoid spurious and speculative appeals whilst not acting as a disincentive, particularly for smaller businesses, to challenge business rates based on sound evidence.

Question 4 – *We will bring forward end-of-list proposals in due course, but in the meantime would welcome general views.*

Draft Response: The proposal to allow the check stage to be entered into at any time during the life of the list is supported. Further consultation on end-of-list proposals is also welcomed.

Question 5 – *What arrangements should apply to temporary material change of circumstances cases under the new system?*

Draft Response: This requires further consideration. The views of stakeholders will be important in reaching a decision on the appropriate arrangements. Further consultation on this matter is

welcomed.

Question 6 – *What are your views on the trigger point for check stage?*

Draft Response: The intention to resolve matters prior to 12 months is welcomed. As stated, the intention should be to reduce this proposed trigger date as the system beds in. This will be to the clear benefit of the individual businesses involved.

Question 7 – *What are your views on the time limit for submission of a complete challenge, following check stage?*

Draft Response: It is right that a time limit is set for challenge to occur. This should be kept under review to ensure the period chosen is appropriate. The ability to allow later challenge in exceptional circumstances is welcomed.

Question 8 – *What are your views on the trigger point for challenge stage?*

Draft Response: 18 months seems excessive. Consistency with the check stage trigger point (i.e. 12 months) should be considered to provide clarity for all concerned.

Question 9 – *Do you agree that these requirements for a challenge are the best way to ensure early engagement on the key issues?*

Draft Response: Evidence is rightly identified as the key consideration for the challenge process. It may be useful if guidance set out more clearly the requirements for defining a challenge as 'complete.'

Question 10 – *Do you agree that this process allows the ratepayers to make their case in a fair and effective way?*

Draft Response: Yes. This seems an effective suggested process.

Question 11 – *What are your views on whether straightforward appeals could be determined on the papers, without the need for a hearing?*

Draft Response: As the system will be evidence based, this should be effectively embodied in written materials. However, in line with other appeal processes it may well be appropriate to allow the business concerned to appear and present at a hearing if they prefer.

Question 12 – *What are your views on the time limit for submission of an appeal, following challenge stage?*

Draft Response: The proposed timeframe is consistent with previous steps in the process and, therefore, seems sensible.

Question 13 – *How should we best ensure that the appeal stage focuses on outstanding issues and, as far as possible, is based on evidence previously considered at challenge stage?*

Draft Response: Guidance rather than regulation may be the most appropriate route, at least at the outset. This could be kept under review to enable the introduction of regulations if appropriate and if required.

Question 14 – *We will consult further on the details of these fees, but in the meantime, would welcome general views on implementation.*

Draft Response: A consistent approach with other tribunals appears appropriate. Further consultation on this matter is welcomed.

Question 15 – *We would welcome general views on whether changes to appeals to the Upper Tribunal (Lands Chamber) would be beneficial.*

Draft Response: Again, consistency should be the guiding principle in considering any changes.