GREATER**LONDON**AUTHORITY

REQUEST FOR DIRECTOR DECISION 1414

Title: To Maximise Business Rates Income In the London Borough of Haringey

Executive Summary:
Under the business rates retention scheme introduced in April 2013 the GLA receives 20% of all business rates income – 40% of the locally retained share - collectable by the 33 London billing authorities and benefits proportionately from any real terms incremental growth in the taxbase. In 2015-16 the GLA is forecast to receive an estimated £11.3m from the London Borough of Haringey (LB Haringey) under the scheme and a further £1.4 million through the separate Crossrail Business Rate Supplement (BRS).

The Borough Council has approached the GLA to seek a contribution towards a business rates income maximisation project which has been procured from a recognised contractor in this field. This work will seek to identify assessments by rateable value which have been omitted from or are undervalued in the rating list. Subject to these changes being successfully added to or amended on the rating list by the Valuation Office it is estimated the GLA could receive additional ongoing rates income from the date the rating list is amended and potentially - if the adjustments are backdated - a one off sum for prior years.

In Mayoral Decision 1553 the Mayor agreed that the GLA should support borough business rates maximisation projects in principle and delegated authority to the Executive Director Resources to approve these on the condition that they should be self-financing and result in additional rates income on an ongoing basis. This decision seeks approval for the GLA to contribute 40 per cent of the one off costs - up to £30,000 – for this Haringey project. This is forecast to deliver an increase in rateable value of at least £1 million and estimated additional rates income annually for the GLA of just under £100,000.

Decision:

The Executive Director Resources approves up to £30,000 as a contribution towards a project by the London Borough of Haringey to increase business rates income locally.

AUTHORISING DIRECTOR

I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.
It has my approval.

Name: MARTIN CLARKE **Position:** EXECUTIVE DIRECTOR RESOURCES

Signature: M. J. Clarke **Date:** 2.3.16

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

1.1 In 2015-16 the GLA is forecast to receive £11.3 million of income through the business rates retention scheme from non-domestic ratepayers in the London Borough of Haringey. This is in line with the 20 per cent share of total business rates income – or 40 per cent of the locally retained share – which accrues to the GLA under the scheme. If there is net growth in the rates base each year in real terms this accrues to the GLA on the same percentage basis. The GLA also receives around £1.4m in Crossrail BRS revenues annually from the Haringey Borough.

1.2 The London Borough of Haringey has asked the Greater London to make a contribution towards a project which will seek to maximise business rates income by identifying additional hereditaments which are either not currently included on the Valuation Office's rating list or alternatively have an allocated rateable value which is understated.

1.3 The borough council has already procured specific software for a small one off charge and the GLA's contribution will be used to finance the rateable value finder project work undertaken with the support of the contractors employed. The finder's fee payable to the contractor is in proportion to the additional rateable value added to the Valuation Office's rating list which would result in additional business rates being payable on the assessments affected.

1.4 The aggregate sums payable by Haringey to its contractor will be up to 7.5 per cent of the rateable value uplift made to the rating list as a result of the project work plus the upfront software procurement of £7,500 – of which 40 per cent would be payable by the GLA. The sum payable by the GLA would be capped at a maximum of £30,000. It is anticipated that the GLA will make this contribution during 2015-16 but it could be later than this depending on when the related adjustments are made by the Valuation Office Agency to the non-domestic rating list.

1.5 It is forecast that the amendments to the rating list resulting from the project will deliver an uplift of at least £1 million (£998,750 is the current minimum forecast) in rateable value which potentially would deliver an estimated *£98,400 for the GLA* of ongoing additional income based on the 2015-16 NNDR multiplier based on its 20 per cent share, nearly £150,000 for the London Borough of Haringey and just under £250,000 for central government via its 50% central share.. Over five years therefore for a one off investment of up to *£30,000* the GLA would potentially secure additional rates income of close to £0.5 million i.e. a net surplus of over £460,000.

1.6 As the sum payable by the GLA is conditional on and proportionate to the rateable value added to the rating list there should be no net cost to it should the project not deliver additional rates income. The contract which Haringey has entered into with its contractor also permits a refund of payments made on a pro rata basis by the contractor should the uplift in rating income not be sustained and/or the changes to the rating list be successfully appealed where this does not arise from a change in circumstances in the assessments affected after the project is completed. The GLA would, under the terms of its planned agreement with LB Haringey, receive 40 per cent of any refund made by the latter's contractor.

1.7 Haringey is making a legitimate request for GLA support as billing authorities do not explicitly receive additional funding from central government to fund the costs of business rates maximisation projects and any investment they make which increases the size of the rating list benefits the GLA financially on a proportionate basis. The funding will not be used to resource the borough council's normal collection and enforcement work in respect of business rates which is financed through its cost of collection allowance. Without the GLA's support the borough would be required to pay 100% of the cost of its rates maximisation projects but only receive 30% of the additional income which results with the remaining gains being apportioned between the GLA (20%) and the Secretary of State (50%).

1.8 Any additional rateable value added to the rating list in the 2015-16 financial year via the outturn reported in September 2016 would be transferred to the GLA in cash terms through the collection fund surplus or deficit forecast prepared in January 2017. This would be payable through an adjustment to the 2017-18 instalments made under the rates retention scheme. Similar arrangements would apply should any in year adjustments be made in subsequent years. This will include any backdated sums due for prior years in addition to any extra sum collectable in year if applicable. The aggregate additional rateable value identified and secured will then form part of the baseline rating list in future years and any benefit will accrue to the GLA in line with its 20 per cent share on an ongoing basis – or whatever percentage share may apply in future years arising from the move towards 100% retention of business rates income announced by the Chancellor of the Exchequer on 5 October 2015.

2. Objectives and expected outcomes

2.1 Haringey has contracted a recognised rating expert to review its rating list in order to identify hereditaments which have been omitted from the local rating list or were incorrectly valued through its tailored software and project management tools.

2.2 The Council has already procured the licence for the interrogation software required for a small one off fee which is required to undertake the project. The project tools within the software bring together a wide range of commercial property data into a flexible and sophisticated case management system and provide key calculation and estimation of potential increases in yield.

2.3 The project interrogation tool used by the contractor will seek to identify assessments either omitted from the non-domestic rating list entirely or undervalued.

2.4 Under the terms of the agreement between Haringey and its contractor the latter would receive up to 7.5% of the additional rateable value identified as a one off payment after it is confirmed that these assessments/amendments have been adjusted on the Valuation List. If the assessments added or amendments made to existing valuations were subsequently reduced or removed following a successful rating appeal the payment to the contractor would be recoverable on a pro rata basis. This repayment would not apply where any subsequent amendments to the rating list are made as a result of a change in circumstance relating to the assessments concerned.

2.5 In light of the shared benefits Haringey has requested that the GLA contribute 40% of the cost of the one off payment to the contractor up to a maximum for 2015-16 of £30,000 i.e. its share of the 50% local retention share under the business rates retention scheme pre this cap rounded upwards to the nearest £1,000. If the consultant's work does not generate any additional rates revenues in respect of the assessments identified – the cost is in effect zero to the GLA. Any contribution payable will vary depending on the additional rateable value identified by the project and added to the rating list by the Valuation Office.

2.6 In summary therefore

- The contractors will identify additional rateable value which could be added to the rating list in Haringey – for which they would receive a total payment equating to 7.5% of the rateable value identified. Of this the GLA would contribute up to £30,000 (i.e. 40% of the total contractor payments or £30,000 whichever is the lower) if the VOA amended the list to reflect these assessments. If the sums added to the rating list were subsequently lower the GLA payment would be reduced accordingly on a pro rata basis;

- Based on the maximum one off £75,000 total project cost (of which Haringey would pay £45,000 and the GLA £30,000) estimated additional rates income of up to £492,000 per annum is expected to be generated (£0.5 million rounded upwards). Allowing for inflation in the NNDR multiplier of 0.8 per cent (as in 2016-17) around £0.5 million additional income would be expected to be secured over five years for the GLA in line with its 20% share;

- Potentially additional Crossrail BRS income could also be generated annually up to a maximum of £20,000 (i.e. 2% of the £998,750 rateable value expected to be added to the list) – assuming the assessments affected have rateable values above the qualifying threshold of £55,000.

3. Equality comments

3.1 There are no direct equality implications for the GLA as the project will be managed by the London Borough of Haringey and any staff employed on the project in addition to those working for the contractor will be recruited by it under its terms and conditions and any contract it enters into will be under the terms of its procurement code. The Council should have regard to appropriate equality considerations in its role as a public authority under relevant legislation.

4 Other considerations

4.1 The project will be self-financing with any upfront costs being offset by additional non domestic rating income generated. This is due to the fact that the GLA receives 40% of any rateable value growth but is only required to make a one off contribution to the contractor via LB Haringey equivalent to a maximum of 3% of any rateable uplift made to the rating list. If no net additional non domestic rating is generated through additions or uplifts to the local rating list made by the Valuation Office no payment will be made. Any sums paid to LB Haringey are recoverable on a pro rata basis in certain circumstances where the amendments made to the rating list are not sustained. This is on the basis, as the GLA has been advised, that LB Haringey' agreement with its contactor includes a recovery mechanism in such circumstances.

4.2 There is a marginal risk that the Council's contractor ceases operations and/or goes into administration or liquidation and therefore is unable to refund any project sums overpaid – resulting in the possibility that the GLA will also be unable to recover these sums. The contractor is a large rating agent and commercial property specialist and therefore this is considered unlikely. However it is also considered unlikely that the residual retained business rates income (after any refunds due to ratepayers were the additions/amendments to be partially reversed) will be lower than the GLA's £30,000 maximum contribution. It is also possible of course that if the occupiers of the properties added to or amended on the rating list become eligible for rates relief the increase in rates income could be lower than forecast. Overall however these risks are considered marginal compared to the potential gains.

5. Financial comments

5.1 In 2015-16 the GLA is forecast to receive an estimated £11.3m from the London Borough of Haringey under the business rates retention scheme and a further £1.4 million through the Crossrail Business Rate Supplement.

5.2 The Council collects non-domestic rates and Crossrail Business Rate supplement revenues on behalf of the GLA in respect of its relevant share (20% and 100% respectively) but does not receive discrete additional funding to support work which maximises the size of the rating list – and therefore the level of rating income. Its funding – via the respective cost of collection allowances – is purely for its billing and enforcement duties. It is therefore reasonable for the GLA to be asked to contribute towards efforts to maximise the size of the rating list and address undervaluations of particular assessments relative to their correct market rateable value.

5.3 The GLA has been asked therefore to contribute towards 40% of the costs of a proposed rates maximisation project up to a maximum of £30,000 in line with its locally retained share. Its contribution is conditional on the omitted/undervalued hereditaments being amended on the rating list by the Valuation Office Agency. The sums paid would be recoverable in certain cases if the revised/amended valuations were subsequently removed from or reversed on the rating list following a successful appeal. Haringey would recover any sums due from the contractor and repay 40% of this to the GLA. No repayment would apply where the amendment arose due to a change of circumstance in respect of the hereditament(s) affected following the original change to the rating list.

5.4 Any additional revenues generated in year would be transferred to the GLA in cash terms through the estimated collection fund surplus/deficit adjustment made to instalments in the following year(s). The ongoing impact would result in an uplift in annual rates income baseline thereafter.

5.5 In Mayoral Decision 1553 the Mayor agreed that the GLA should support borough business rates maximisation projects in principle and delegated authority to the Executive Director Resources to approve these on the condition that they should be self-financing and result in additional rates income on an ongoing basis. This project meets these criteria and therefore this decision may be approved by the Executive Director Resources under the powers delegated to him.

6. Legal comments

6.1 The London Borough of Haringey is the billing authority for non-domestic rates in its area under the Local Government Finance Act 1988. Under section 41 of that Act it is the responsibility of the valuation officer for a billing authority to compile, and then maintain, its local non-domestic rating lists. It is noted at 1.7 above that billing authorities do not receive discrete funding from government grant to assist in maximising the size of the rating list.

6.2 The GLA has an interest in maximising business rates income in each London billing authority as it receives 20 per cent of any additional revenues collected – equating to 40% of the locally retained share. On that basis it is legitimate for GLA resources to be used to support business rates maximisation project in proportion to its local share under rates retention.

6.3 Under section 34 of the GLA Act the GLA has the power to do anything calculated to facilitate the exercise of the GLA's functions. Taking steps to increase revenue is so calculated. This power is subject to the limitation that the GLA may not raise money by virtue of it, except in accordance with relevant legislation; in the present case any money to be raised is to be raised in accordance with the relevant legislation. Reasonable expenditure designed to achieve a better level of business rates income for the GLA, through improvement of the non-domestic rating list of a Borough, is therefore within the power of the GLA.

6.4 The formal agreement with the London Borough of Haringey is consistent with the GLA's standard format which has been approved by the Commercial law team.

7. Planned delivery approach and next steps

7.1 The planned project delivery is set out below:

Activity	Timeline
Procurement of contract	During 2015-16
Confirmation of assessments omitted from or undervalued in rating list	By March 2016 as target date but this could be extended.
Negotiations to add assessments to rating list with Valuation Office	By March 2016 as target date but this could be extended.
Payment made by LB Haringey to contractor and by GLA to LB Haringey based on its 40 per cent share	Expected by March 2016 but could be later – no payment is triggered until rating list uplift/amendments are made
Amendments made by Valuation Office to non domestic rating list – resulting in adjustments to ratepayer bills	Expected by March 2016 but could be later
Earliest date by which revenues would start to be received by GLA as a result of uplift in cash terms to 2016-17 instalments through the estimated collection fund surplus/deficit for LB Haringey in respect of 2015-16 calculated in January 2016	1 April 2016
2015-16 collection fund outturn and NNDR3 outturn returns for LB Haringey reflecting audited uplift which would be incorporated in the GLA's accounts on a pro rata basis (2016-17 equivalent in brackets).	30 September 2016 (30 September 2017 for 2016-17 outturn)
Latest date by which GLA could recover its pro rata share of the project contribution – if the amendments/additions to the rating list were reversed in full or in part providing this did not arise due to a change of circumstance in respect of the assessments affected.	31 March 2020

Appendices and supporting papers:

None

Public access to information
Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO
If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:	Drafting officer to confirm the following (✓)
Drafting officer: Martin Mitchell, GLA Group Finance Manager has drafted this report in accordance with GLA procedures and confirms that:	✓
Assistant Director/Head of Service: David Gallie, Assistant Director Finance has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.	✓
Financial and Legal advice: The Finance and Legal teams have commented on this proposal which originates from Finance, and this decision reflects their comments.	✓

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature M. D. Ellie **Date** 2.3.16