

Aelod Portffolio ar faterion Cyllid, Cefn Gwlad a Thrafnidiaeth

Man Cyfarfod

Dyddiad y Cyfarfod
Dydd Llun, 22 Mawrth 2021

Amser y Cyfarfod
Amser heb ei nodi

I gael rhagor o wybodaeth cysylltwch â

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Neuadd Y Sir
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Powys
LD1 5LG

Dyddiad Cyhoeddi

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

- | | |
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| 1. | CYNLLUN GOSTYNGIADAU ARDRETHI I'R SECTORAU MANWERTHU, HAMDDEN A LLETYGARWCH YNG NGHYMRU 2021-22 |
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(Tudalennau 1 - 20)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

CYNGOR SIR POWYS COUNTY COUNCIL**Delegated Decision Port Folio Holder - Finance
19 March 2021****REPORT AUTHOR: David Morris – Income & Awards Senior Manager****SUBJECT: Retail, Leisure and Hospitality Rates Relief Scheme in
Wales 2021-22**

REPORT FOR: Decision

1. Purpose

- 1.1 To adopt a Business Rates Retail, Leisure and Hospitality Rates Relief scheme for financial year 2021-22 that meets the requirements to maximise funding available, to support Powys businesses during the continuing coronavirus pandemic by granting rate relief which is compliant with Welsh Government guidance.

2. Background

- 2.1 Due to the ongoing coronavirus pandemic and the impact on the economy the Welsh Government have introduced several fiscal measures to support businesses and ratepayers through these unprecedented times. The current Retail, Leisure & Hospitality Rates Relief scheme for 2020-21, has been extended with a further temporary Business Rates Retail, Leisure and Hospitality Rates Relief scheme for the financial year 2021-22.
- 2.2 The Welsh Government have announced that this rates relief scheme will be available for the financial year 2021-22 to support businesses within the retail, leisure and hospitality sector in Wales. Properties that will benefit from this relief will be occupied properties such as shops, pubs, restaurants, gyms, performance venues, hotels, and guest houses. with a rateable value of £500,000 or less. Powys is to receive funding of up to **£11.55m**.
- 2.3 The funding will be provided by way of a Welsh Government Grant, and it is estimated that **1,380** Powys businesses could automatically be awarded the 100% rates relief, estimated at total value of **£11.45m** on their Business Rates annual bills due to be issued in coming days, removing the requirement to pay Business Rates for these Powys businesses for the financial year 2021-22.

3. Proposal

- 3.1 The Welsh Government will provide relief of 100% to eligible businesses occupying premises with a rateable value of up to £500,000 in the financial

year 2021-22. Relief is available from 1 April 2021 to 31 March 2022. The proposal as to how the scheme is to be operated is detailed below in 3.2-3.15.

3.2 The total amount of Retail, Leisure and Hospitality Rates Relief granted to each property is 100% of the remaining bill, after Small Business Rates Relief, Mandatory reliefs and other discretionary reliefs have been applied, excluding those where wider discretionary reliefs have been granted under the Localism Act 2011. The relief will be applied against the net bill after other reliefs have been applied.

3.3 The eligibility for this relief and the relief itself will be assessed and calculated on a daily basis. The following formula will be used to determine the amount of relief to be granted to a property in the financial year:

- Amount of relief to be granted = V , where

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

3.4 This should be calculated ignoring any prior-year adjustments in liabilities which fall to be liable on the day.

3.5 Ratepayers who occupy more than one property will be entitled to Retail, Leisure and Hospitality Rates Relief for each of their eligible properties. Retail, Leisure and Hospitality properties which are excluded from Small Business Rates Relief due to the multiple occupation rule are eligible for this Relief Scheme.

3.6 As this is a temporary scheme, Welsh Government will provide the relief by reimbursing Local Authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. The Welsh Government will reimburse local authorities for the relief that is provided in line with this guidance via a grant under section 31 of the Local Government Act 2003 and 58A of the Government of Wales Act 2006.

3.7 The Retail, Leisure and Hospitality Rates Relief scheme qualifying criteria being:

- The rateable value is between £1 and £500,000 for the financial year 2021-22, and
- The property is **occupied** for retail, leisure or hospitality purposes between 1 April 2021 and 31 March 2022, and
- The property is being used for the sale of goods to visiting members of the public, or
- The property is being used for the provision of services to visiting members of the public (as contained within the guidance) or
- Properties that are being used for the sale of food and/or drink to visiting members of the public, or

- Properties that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities) and for the assembly of visiting members of the public, or
- Properties that are being used for the assembly of visiting members of the public, or
- Properties, where the non-domestic part is being used for the provision of living accommodation as a business.

3.8 To qualify for the relief, the property must be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, this is a test on use rather than occupation. Therefore, properties which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief. For the avoidance of doubt, properties which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.

3.9 There are certain types of properties that, in compliance with the Welsh Government guidance, the Council will exclude the ratepayer from Retail, Leisure and Hospitality Relief, these are as follows:

- The property is not occupied for any period between 1 April 2021 and 31 March 2022.
- The property is not reasonably accessible to visiting members of the public (even if there is ancillary use of the property which is retail)
- Properties that are owned, rented or managed by a local authority.

In addition, and in compliance with the Welsh Government guidance, the Council will deem that the types of uses below (or those similar in use) are not considered to be retail, leisure or hospitality use for the purpose of this relief, and as such they would not be eligible for the relief. Excluded uses are:

- Financial services (e.g. banks, building societies, cash points / ATMs, bureau de change, payday lenders, betting shops, pawn brokers)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents / financial advisers, tutors)
- Post office sorting office
- Day nurseries
- Kennels and catteries
- Casino & gambling clubs
- Show homes and marketing suites
- Employment agencies
- Self-storage units

3.10 The Council will be reimbursed in full by Welsh Government for any relief that is awarded, in other words if correctly applied there will be no direct cost to the Council.

3.11 Empty properties becoming occupied after 1 April 2021 will qualify for this relief

- 3.12 If there is a change in occupier part way through the financial year, after relief has already been provided to the property, the new occupier will qualify for the relief on a pro-rata basis based on the remaining days of occupation using the formula in paragraph 3.3 above.
- 3.13 The discount will be applied on a day-to-day basis using the formula set out above. A new property created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the discount on that day.
- 3.14 Having regard to the ongoing challenges Powys businesses continue to face during the coronavirus pandemic, it is essential that the 100% relief to businesses is granted at the earliest opportunity, therefore it is proposed that:
- Relief is automatically granted to retailers, leisure and hospitality businesses where the business or ratepayer is in receipt of the retail, leisure and hospitality relief for 2020-21 as at 31 March 2021
 - Those not automatically granted the relief, will be encouraged to complete a simple on-line form. Applications (upon receipt of a valid application form for Retail Leisure and Hospitality rates relief 2021-22) the decision to award relief be made by the Portfolio Holder for Finance in consultation with the Head of Finance (Section 151 officer), provided all terms of the scheme are met.
 - There may be ratepayers who have been able to continue trading at a substantial level during the coronavirus restrictions and may not wish to accept this relief. Should this be the case ratepayers can opt out of receiving this relief by notifying the council, in writing, and the relief will be removed for 2021-22 and a revised Business Rates bill will be issued.
- 3.15 Guidance notes regarding the scheme are shown in **Appendix 1** to this report.

4 Resource Implications

- 4.1 There are no financial implications to the Council as Welsh Government will reimburse in full for any relief that is awarded, in other words if correctly applied there will be no direct cost to the Council.
- 4.2 The Head of Finance (Section 151 officer) confirms that there are no direct financial implications to the Council in adopting the scheme as long as the Welsh Government guidelines in terms of qualifying ratepayers, are adhered to. The full value of discretionary awards is reimbursed by the Welsh Government.
- 4.3 There are no workforce implications to the Council, as majority of businesses that would receive this relief will have it automatically granted to their 2021-22 annual Business Rates bill with no manual intervention by staff.
- 4.4 Furthermore there are no known ICT, customer services or physical implications. Front line services have been made fully aware of the temporary scheme to operate during the financial year 2021-22 and how ratepayers, where appropriate, submit an application to be considered for the relief.

- 4.5 Corporate Communications Commented, “This relief is of significant public interest and will be promoted widely through all channels including media release and social media”.

5 Legal Implications Options Considered/Available

- 5.1 The report was shared with legal who commented “The recommendations can be supported from a legal point of view”.
- 5.1 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “I note the legal comment and have nothing to add to the report, I am not aware of any specific interests that may arise in relation to this report”.

6 Data Protection

- 6.1 It is recommended that the relief for 2021-22 will be automatically granted to those businesses that meet the criteria, thus minimising the handling and transferring of personal data.
- 6.2 New applications will be submitted by way of an on-line form, on Councils website, thus minimising the handling and transferring of personal data.

7 Local Member(s)

- 7.1 The relief scheme in respect of Business Rates will apply equally across the whole County. No comments have been received from local members.

8 Integrated Impact Assessment

- 8.1 An impact assessment has not been undertaken, as the relief scheme will apply equally to all businesses that meet the criteria set out in section 3 and **appendix 1**.

9 Recommendation

- 9.1 That a Business Rates Retail, Leisure and Hospitality Rates Relief scheme 2021-22 be established in accordance with section 3 of this report.
- 9.2 Ratepayers that meet the qualifying conditions and remain in occupation as at 1 April 2021 be automatically granted this relief for financial year 2021-22.
- 9.3 New applications for Business Rates retail, leisure and hospitality rates relief 2021-22 under the scheme referred to above shall be delegated to and determined by the Portfolio holder for Finance in consultation with the Head of Financial services (Section 151 Officer).

| | |
|------------------------|---------------------------|
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Background Papers used to prepare Report:

Appendix 1

Non-Domestic Rates Retail, Leisure and Hospitality Rates Relief in Wales 2021-22
Guidance Note

Ardrethi Annomestig - Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch yng Nghymru – 2021-22

Canllawiau

Disgrifiad o'r canllawiau

Lluniwyd y canllawiau hyn i helpu cynghorau sir a bwrdeistref sirol ("awdurdodau lleol") i weinyddu'r cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch ("y rhyddhad"). Ar 3 Mawrth 2021, cyhoeddodd y Gweinidog Cyllid a'r Trefnydd y byddai'r rhyddhad ardrethi'n cael ei ehangu dros dro ar gyfer 2021-22. Mae'r canllawiau hyn yn berthnasol i Gymru yn unig.

Mae'r canllawiau yn gosod y meini prawf y bydd Llywodraeth Cymru yn eu defnyddio i bennu cyllid i awdurdodau lleol ar gyfer rhyddhad ardrethi sy'n cael ei ddarparu i eiddo manwerthu, hamdden a lletygarwch. Nid yw'r canllawiau yn disodli unrhyw ddeddfwriaeth bresennol ar ardrethi annomestig nac unrhyw fath arall o ryddhad.

Dylid anfon unrhyw gwestiynau am y cynllun at: localtaxationpolicy@llyw.cymru

Mae'r rhyddhad yn cael ei gynnig o 1 Ebrill 2021 a bydd ar gael tan 31 Mawrth 2022.

Cyflwyniad

Mae'r rhyddhad hwn wedi'i anelu at fusnesau a threthdalwyr eraill yng Nghymru yn y sectorau manwerthu, hamdden a lletygarwch, er enghraifft siopau, tafarnau a bwytoi, campfeydd, lleoliadau perfformio a gwestai.

Bydd Llywodraeth Cymru yn darparu cyllid grant i'r 22 awdurdod lleol yng Nghymru i ddarparu'r Cynllun Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch i dalwyr ardrethi sy'n gymwys ar gyfer 2021-22. Nod y cynllun yw darparu cymorth i eiddo cymwys sydd wedi'i feddiannu drwy gynnig 100% o ostyngiad ar y bil ardrethi annomestig ar gyfer eiddo, a hynny ar gyfer pob eiddo cymwys. Bydd y cynllun yn cynnwys pob talwr ardrethi cymwys sydd â gwerth ardrethol o £500,000 neu lai.

Mae'r ddogfen hon yn darparu canllawiau ynghylch rhoi'r cynllun hwn ar waith a'i gyflwyno.

Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch

Sut bydd y rhyddhad yn cael ei ddarparu?

Gan mai mesur dros dro yw hwn, rydym yn darparu'r rhyddhad drwy roi ad-daliad i awdurdodau lleol sy'n defnyddio'u pwerau rhyddhad ardrethi yn ôl disgrisiwn o dan adran 47 o Ddeddf Cyllid Llywodraeth Leol 1988. Yr awdurdodau lleol unigol eu hunain fydd yn mabwysiadu cynllun ac yn penderfynu ym mhob achos a ddylid caniatáu'r rhyddhad o dan adran 47. Bydd Llywodraeth Cymru yn rhoi ad-daliad i'r awdurdodau lleol am y rhyddhad sy'n cael ei ddarparu yn unol â'r canllawiau hyn drwy grant o dan adran 31 o Ddeddf Llywodraeth Leol 2003 a adran 58A o Ddeddf Llywodraeth Cymru 2006.

Sut bydd y cynllun yn cael ei weinyddu?

Yr awdurdodau lleol eu hunain fydd yn penderfynu sut i weinyddu'r cynllun er mwyn sicrhau bod cymaint â phosib yn cymryd rhan a bod cyn lleied â phosib o faich gweinyddol ar dalwyr ardrethi a staff yr awdurdod lleol.

Mae awdurdodau lleol yn gyfrifol am ddarparu gwybodaeth glir a hygyrch i'r rhai sy'n talu'r ardrethi ynghylch manylion a gweinyddiaeth y cynllun. Os nad oes modd i awdurdod ddarparu'r rhyddhad hwn i dalwyr ardrethi cymwys o 1 Ebrill 2021 ymlaen, am ba bynnag reswm, dylid ystyried hysbysu talwyr ardrethi cymwys eu bod yn gymwys i gael y rhyddhad, ac y bydd eu biliau'n cael eu hailgyfrifo.

Pa eiddo fydd yn gallu manteisio ar y rhyddhad?

Yr eiddo a fydd yn gallu manteisio ar y rhyddhad hwn fydd eiddo manwerthu, hamdden a lletygarwch – fel siopau, tafarnau a bwytai, campfeydd, lleoliadau perfformio a gwestai ledled Cymru. Ceir rhagor o fanylion am y meini prawf cymhwysedd a'r eithriadau i'r rhyddhad isod.

Dylai'r rhyddhad gael ei roi i bob busnes cymwys fel gostyngiad yn ei fil ardrethi yn seiliedig ar feddiannaeth rhwng 1 Ebrill 2021 a 31 Mawrth 2022. Cydnabyddir bod rhai achosion lle bydd awdurdod lleol yn cael gwybod yn ôl-weithredol bod newid wedi bod o ran meddiannydd. Mewn achosion o'r fath, os yw'n glir bod y talwr ardrethi yn meddiannu'r eiddo ar 1 Ebrill 2021 neu wedi hynny, caiff yr awdurdod lleol ddefnyddio'i ddisgrisiwn wrth ddyfarnu'r rhyddhad.

At ddibenion y cynllun hwn, bydd eiddo manwerthu fel "siopau, bwytai, caffis a llefydd sy'n gwerthu diod" yn golygu fel a ganlyn (yn ddarostyngedig i feini prawf eraill yn y canllawiau).

Hereditamentau sy'n cael eu defnyddio i werthu nwyddau i aelodau o'r cyhoedd sy'n ymweld â nhw

- Siopau (fel siop flodau, siop fara, cigydd, groser, siop ffrwythau a llysiau, gemydd, siop bapur ysgrifennu, siop drwyddedig, siop bapur newydd, siop caledwedd, archfarchnad ac ati)
- Siopau elusen
- Optegydd
- Fferyllfeydd
- Swyddfeydd post
- Siopau dodrefn neu ystafelloedd arddangos (fel siopau carpedi, gwydr dwbl, drysau garej)
- Ystafelloedd arddangos ceir neu garafannau
- Canolfannau gwerthu ceir ail law
- Marchnadoedd
- Gorsafoedd petrol
- Canolfannau garddio
- Oriellau celf (lle mae modd prynu neu logi gwaith celf)

Hereditamentau sy'n cael eu defnyddio i ddarparu'r gwasanaethau canlynol i aelodau o'r cyhoedd sy'n ymweld â nhw

- Gwasanaethau trin gwallt a harddwch
- Trwsio esgidiau/torri allweddi
- Asiantaethau teithio
- Swyddfeydd tocynnau, ee ar gyfer y theatr
- Gwasanaethau sychlanhau
- Golchdai
- Trwsio cyfrifiaduron, setiau teledu neu gyfarpar domestig
- Trefnwyr angladdau
- Prosesu lluniau
- Llogi DVD neu fideo
- Llogi offer
- Llogi ceir
- Swyddfeydd gwerthu a gosod tai

Hereditamentau sy'n cael eu defnyddio i werthu bwyd a/neu ddiod i aelodau o'r cyhoedd sy'n ymweld â nhw

- Bwytai
- Bwytai archebu o'r car
- Siopau tecawê
- Siopau brechdanau
- Caffis
- Siopau coffi
- Tafarnau
- Bariau neu fariâu gwin

Rydym yn ystyried bod ymgynnull a hamdden yn golygu'r canlynol:

Hereditamentau sy'n cael eu defnyddio i ddarparu chwaraeon, hamdden a chyfleusterau i aelodau o'r cyhoedd sy'n ymweld â nhw (gan gynnwys i wyllo gweithgareddau o'r fath) ac i ymgynnull aelodau o'r cyhoedd sy'n ymweld â nhw.

- Meysydd a chlybiau chwaraeon
- Cyfleusterau chwaraeon a hamdden
- Campfeydd
- Atyniadau twristaidd
- Amgueddfeydd ac orielau celf
- Plastai a thai hanesyddol
- Theatrau
- Lleoliadau cerddoriaeth fyw
- Sinemâu
- Clybiau nos

Hereditamentau sy'n cael eu defnyddio i ymgynnull aelodau o'r cyhoedd sy'n ymweld â nhw.

- Neuaddau cyhoeddus
- Tai clybiau, clybiau a sefydliadau

Rydym yn ystyried bod gwestai, eiddo llety a phreswyl a llety hunanarlwyo yn golygu'r canlynol:

Hereditamentau lle mae'r rhan annomestig yn cael ei defnyddio i ddarparu llety preswyl fel busnes:

- Gwestai, tai llety a thai preswyl
- Cartrefi gwyliau
- Parciau a safleoedd carafannau

Ystyriaethau eraill

Er mwyn gallu manteisio ar y rhyddhad, dylai'r hereditament gael ei ddefnyddio'n bennaf neu'n gyfan gwbl at y dibenion cymwys. Yn debyg i fathau eraill o ryddhad, yr hyn sy'n digwydd yn yr eiddo sy'n bwysig yn hytrach na'r ffaith ei fod yn cael ei ddefnyddio. Felly, os yw hereditamentau yn cael eu defnyddio, ond nid yn bennaf neu'n gyfan gwbl ar gyfer y pwrpas cymwys, ni fyddant yn gymwys i gael y rhyddhad. I osgoi amheuaeth, dylid ystyried bod hereditamentau a gaeodd dros dro oherwydd cyngor y Llywodraeth ar COVID-19 yn hereditamentau sydd wedi'u meddiannu at ddibenion y rhyddhad hwn.

Nid oes bwriad i'r rhestr uchod fod yn un gwbl drylwyr, gan y byddai'n amhosibl rhestru'r holl ddefnyddiau manwerthu, hamdden a lletygarwch amrywiol sy'n bodoli. Hefyd bydd rhai enghreifftiau'n codi o ddefnydd cymysg. Fodd bynnag, y bwriad yw rhoi arweiniad i'r awdurdodau lleol ynghylch y

mathau o ddefnydd sy'n gymwys am y rhyddhad ym marn Llywodraeth Cymru at y diben hwn. Dylai awdurdodau lleol benderfynu dros eu hunain a yw eiddo penodol nad yw ar y rhestr yn gyffredinol debyg o ran natur i'r uchod. Os felly dylid ei ystyried yn gymwys ar gyfer y cynllun. Yn yr un modd, os nad yw eiddo yn debyg yn gyffredinol i'r rhai ar y rhestr uchod, ni ddylai fod yn gymwys ar gyfer y cynllun.

Gan fod y rhyddhad ardrethi yn cael ei roi yn ôl disgrisiwn, gall awdurdodau lleol benderfynu peidio â'i ganiatáu os ydynt yn teimlo mai dyna sy'n briodol, er enghraifft os yw hynny'n mynd yn groes i amcanion ehangach yr awdurdod ar gyfer ardal leol.

Efallai y bydd trethdalwyr o'r farn eu bod wedi gallu parhau i fasnachu ar lefel sylweddol yn ystod y cyfyngiadau Coronafeirws, ac felly efallai na fyddent yn dymuno derbyn y rhyddhad. Dylid gwneud trefniadau i optio allan o dderbyn rhyddhad o'r fath gyda'r awdurdod lleol perthnasol.

Y mathau o hereditamentau nad ydynt yn cael eu hystyried yn gymwys i gael Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch

Unrhyw hereditament sydd â gwerth ardrethol o dros £500,000.

Mae'r rhestr ganlynol yn nodi'r mathau o ddefnydd nad ydynt yn cael eu hystyried gan Lywodraeth Cymru fel defnydd manwerthu, hamdden neu letygarwch at ddiben y cynllun hwn, ac na fyddai'n gymwys i gael y rhyddhad. Fodd bynnag, yr awdurdodau lleol eu hunain fydd yn penderfynu a yw hereditamentau yn debyg o ran natur i'r rhai sy'n cael eu rhestru ac os na fyddent yn gymwys i gael y rhyddhad o dan y cynllun.

Hereditamentau sy'n cael eu defnyddio'n gyfan gwbl neu'n bennaf i ddarparu'r gwasanaethau canlynol i aelodau o'r cyhoedd sy'n ymweld â nhw

- Gwasanaethau ariannol (ee banciau, cymdeithasau adeiladu, peiriannau arian parod, bureaux de change, benthycwyr diwrnod cyflog, siopau betio, gwystlyddion)
- Gwasanaethau meddygol (ee milfeddygon, deintyddion, meddygon, osteopathiaid, ceiropractyddion)
- Gwasanaethau proffesiynol (ee cyfreithwyr, cyfrifwyr, asiantaethau yswiriant, ymgynghorwyr ariannol, tiwtoriaid)
- Swyddfeydd dosbarthu Swyddfa'r Post
- Meithrinfeydd dydd
- Llety cŵn a chathod
- Clybiau casino a gamblo
- Cartrefi arddangos ac ystafelloedd marchnata
- Asiantaethau cyflogaeth

Mae nifer o fathau eraill o hereditament y mae Llywodraeth Cymru yn credu na ddylent fod yn gymwys ar gyfer y rhyddhad.

Hereditamentau nad ydynt yn rhesymol hygyrch i aelodau o'r cyhoedd sy'n ymweld â nhw

Os nad yw hereditamentau fel arfer yn rhesymol hygyrch i aelodau o'r cyhoedd sy'n ymweld â nhw, ni fyddant yn gymwys i gael rhyddhad o dan y cynllun hyd yn oed os oes defnydd atodol o'r hereditament y gellid ystyried ei fod yn syrthio o dan y disgrifiadau yn [Pa eiddo fydd yn gallu manteisio ar y rhyddhad?](#)

Hereditamentau gwag

Dylai pob eiddo sy'n wag ar 1 Ebrill 2021 gael ei eithrio rhag y rhyddhad hwn. Fodd bynnag, o dan y Rhyddhad Eiddo Gwag gorfodol, bydd eiddo gwag yn derbyn gostyngiad o 100% yn ei ardrethi ar gyfer y tri mis cyntaf (ac mewn rhai achosion y chwe mis cyntaf) o fod yn wag.

Hereditamentau sy'n eiddo i awdurdod lleol neu sy'n cael eu rhentu neu eu rheoli ganddo

Mae hereditamentau sy'n eiddo i awdurdod lleol neu sy'n cael eu rhentu neu eu rheoli ganddo, er enghraifft canolfannau ymwelwyr, siopau gwybodaeth i dwristiaid a siopau coffi neu siopau rhoddion sy'n rhan o adeiladau hanesyddol ac yn cael eu rhedeg gan awdurdodau lleol, yn esempt o'r cynllun hwn.

Faint o ryddhad sydd ar gael?

Cyfanswm y rhyddhad a ariennir gan y Llywodraeth sydd ar gael i bob eiddo o dan y cynllun hwn ar gyfer 2021-22 yw 100% o'r bil sy'n weddill, ar ôl gweithredu unrhyw ryddhad gorfodol ac unrhyw ryddhad arall yn ôl disgrisiwn a ariennir gan grantiau adran 31, ac eithrio'r rhai pan fo awdurdodau lleol wedi defnyddio eu pwerau rhyddhad ehangach yn ôl disgrisiwn a gyflwynwyd gan Ddeddf Lleoliaeth 2011 nad ariennir gan grantiau adran 31. Dylai'r Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch gael ei osod yn erbyn y bil net ar ôl gweithredu unrhyw ryddhad arall.

Bydd cymhwysedd ar gyfer y cynllun rhyddhad ardrethi a'r rhyddhad ei hun yn cael ei asesu a'i gyfrifo ar sail ddyddiol. Dylid defnyddio'r fformiwla ganlynol wrth benderfynu ar swm y rhyddhad ardrethi i'w ganiatáu ar gyfer hereditament penodol yn ystod blwyddyn ariannol:

$$\text{Swm y rhyddhad i'w ganiatáu} = V$$

V yw'r tâl dyddiol am yr hereditament ar gyfer y diwrnod trethadwy ar ôl gweithredu unrhyw ryddhad gorfodol ac unrhyw ryddhad arall yn ôl disgrisiwn, ac eithrio'r rhai pan fo awdurdodau lleol wedi defnyddio eu pwerau rhyddhad yn ôl disgrisiwn a gyflwynwyd gan Ddeddf Lleoliaeth 2011 nad ariennir gan grantiau adran 31.

Dylid cyfrifo hyn gan anwybyddu unrhyw addasiadau blwyddyn flaenorol i'r atebolrwydd sy'n syrthio ar y diwrnod.

Bydd busnesau sy'n talu ardrethi ac sy'n defnyddio mwy nag un eiddo yn gallu cael Rhyddhad Ardrethi Manwerthu, Hamdden a Lletygarwch ar gyfer pob eiddo cymwys.

Mae eiddo manwerthu, hamdden a lletygarwch sydd wedi'i eithrio o'r Rhyddhad Ardrethi Busnesau Bach oherwydd y rheolau amfeddiannaeth yn gymwys am y cynllun rhyddhad hwn.

Newidiadau i hereditamentau presennol gan gynnwys newid meddiant

Bydd eiddo gwag sy'n dechrau cael ei ddefnyddio ar ôl 1 Ebrill 2021 yn gymwys i gael y rhyddhad hwn.

Os oes newid meddiant yn ystod y flwyddyn ariannol, ar ôl i'r rhyddhad gael ei ddarparu i'r hereditament, bydd y meddiannydd newydd yn gymwys i dderbyn y rhyddhad ar sail pro-rata os ydynt yn gweithredu yn y sectorau manwerthu, hamdden neu letygarwch, yn seiliedig ar weddill y dyddiau meddiannu gan ddefnyddio'r fformiwla yn yr adran [Faint o ryddhad sydd ar gael?](#)

Dylid gweithredu'r gostyngiad yn ddyddiol gan ddefnyddio'r fformiwla a nodir uchod. Dylai hereditament a grëwyd o ganlyniad i raniad neu uniad yn ystod y flwyddyn ariannol, neu pan fo newid defnydd wedi bod, gael ei ystyried o'r newydd ar gyfer y gostyngiad ar y diwrnod hwnnw.

Cymorth Gwladwriaethol

Yn dilyn diwedd cyfnod pontio ymadawiad y Deyrnas Unedig â'r Undeb Ewropeaidd ar 31 Rhagfyr 2020, mae rheoliadau Cymorth Gwladwriaethol yr UE yn berthnasol mewn rhai amgylchiadau yn unig. Gan nad yw'r rhyddhad wedi'i ariannu gan gronfa weddilliol yr UE, nid yw rheoliadau Cymorth Gwladwriaethol yr UE bellach yn berthnasol ar gyfer y cynllun hwn. O 1 Ionawr 2021, daeth Trefn Gymhorthdal y DU i rym. Bernir fod y cynllun y tu hwnt i gwmpas unrhyw gytundebau masnachu rhyngwladol gan fod mesurau yn canolbwyntio yn lleol yng Nghymru.

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Non-Domestic Rates – Retail, Leisure and Hospitality Rates Relief in Wales – 2021-22

Guidance

About this guidance

This guidance is intended to support county and county borough councils ('local authorities') in administering the Retail, Leisure and Hospitality Rates Relief scheme ('the relief'). On 3 March 2021, the Minister for Finance and Trefnydd announced the extension of the relief on a temporary basis for 2021-22. This guidance applies to Wales only.

This guidance sets out the criteria which the Welsh Government will use to determine the funding for local authorities for relief provided to retail, leisure and hospitality properties. The guidance does not replace any existing non-domestic rates legislation or any other relief.

Enquiries about the scheme should be sent to: localtaxationpolicy@gov.wales

The relief is being offered from 1 April 2021 and will be available until 31 March 2022.

Introduction

This relief is aimed at businesses and other ratepayers in Wales in the retail, leisure and hospitality sectors, for example shops, pubs and restaurants, gyms, performance venues and hotels.

The Welsh Government will provide grant funding to the 22 local authorities in Wales to provide the Retail, Leisure and Hospitality Rates Relief scheme to eligible ratepayers for 2021-22. The scheme aims to provide support for eligible occupied properties by offering a discount of 100% on the non-domestic rates bill for a property, to all eligible premises. The scheme will apply to all eligible ratepayers with a rateable value of £500,000 or less.

This document provides guidance on the operation and delivery of the scheme.

Retail, Leisure and Hospitality Rates Relief How will the relief be provided?

As this is a temporary measure, we are providing the relief by reimbursing local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988. It will be for individual local authorities to adopt a scheme and decide in each individual case when to grant relief under section 47. The Welsh Government will reimburse local authorities for the relief that is provided

in line with this guidance via a grant under section 31 of the Local Government Act 2003 and section 58A of the Government of Wales Act 2006.

How will the scheme be administered?

It will be for local authorities to determine how they wish to administer the scheme to maximise take-up and minimise the administrative burden for ratepayers and for local authority staff.

Local authorities are responsible for providing ratepayers with clear and accessible information on the details and administration of the scheme. If, for any reason, an authority is unable to provide this relief to eligible ratepayers from 1 April 2021, consideration should be given to notifying eligible ratepayers that they qualify for the relief and that their bills will be recalculated.

Which properties will benefit from relief?

Properties that will benefit from this relief will be occupied retail, leisure and hospitality properties – such as shops, pubs and restaurants, gyms, performance venues and hotels across Wales. More detailed eligibility criteria and exceptions to the relief are set out below.

Relief should be granted to each eligible business as a reduction to its rates bill based on occupation between 1 April 2021 and 31 March 2022. It is recognised that there may be some instances where a local authority is retrospectively notified of a change of occupier. In such cases, if it is clear that the ratepayer was in occupation on or after the 1 April 2021, the local authority may use its discretion in awarding relief.

It is intended that, for the purposes of this scheme, retail properties such as, 'shops, restaurants, cafes and drinking establishments' will mean the following (subject to the other criteria in this guidance).

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, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Pharmacies
- Post offices
- Furnishing shops or display rooms (such as carpet shops, double-glazing, garage doors)
- Car or caravan showrooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale or hire)

Hereditaments that are being used for the provision of the following services to visiting members of the public

- Hair and beauty services
- Shoe repairs or key cutting
- Travel agents
- Ticket offices, eg. for theatre
- Dry cleaners
- Launderettes
- PC, TV or domestic appliance repair
- Funeral directors
- Photo processing
- DVD or video rentals
- Tool hire
- Car hire
- Estate and letting agents

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

- Restaurants
- Drive-through or drive-in restaurants
- Takeaways
- Sandwich shops
- Cafés
- Coffee shops
- Pubs
- Bars or Wine Bars

We consider assembly and leisure to mean the following.

Hereditaments that are being used for the provision of sport, leisure and facilities to visiting members of the public (including for the viewing of such activities) and for the assembly of visiting members of the public

- Sports grounds and clubs
- Sport and leisure facilities
- Gyms
- Tourist attractions
- Museums and art galleries
- Stately homes and historic houses
- Theatres
- Live Music Venues
- Cinemas
- Nightclubs

Hereditaments that are being used for the assembly of visiting members of the public

- Public halls

- Clubhouses, clubs and institutions

We consider hotels, guest & boarding premises and self-catering accommodation to mean the following.

Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business

- Hotels, Guest and Boarding Houses,
- Holiday homes,
- Caravan parks and sites

Other considerations

To qualify for the relief, the hereditament should be wholly or mainly used for the qualifying purposes. In a similar way to other reliefs, 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 the avoidance of doubt, hereditaments which closed temporarily due to the government's advice on Covid-19 should be treated as occupied for the purposes of this relief.

The above list is not intended to be exhaustive as it would be impossible to list all the many and varied retail, leisure and hospitality uses that exist. There will also be mixed uses. However, it is intended to be a guide for local authorities as to the types of uses that the Welsh Government considers for this purpose to be eligible for relief. Local authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.

As the grant of the relief is discretionary, local authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the local authority's wider objectives for the local area.

Ratepayers may view that they have been able to continue trading at a substantial level during Coronavirus restrictions and as such would be inclined to not accept the relief. Arrangements for opting out of receiving relief should be made with the relevant local authority.

Types of hereditaments that are not considered to be eligible for Retail, Leisure and Hospitality Rates Relief

Any hereditament with a rateable value over £500,000.

The following list sets out the types of uses that the Welsh Government does not consider to be retail, leisure or hospitality use for the purpose of this relief and which would not be deemed eligible for the relief. However, it will be for local authorities to determine if hereditaments are similar in nature to those listed and if they would not be eligible for relief under the scheme.

Hereditaments that are being used wholly or mainly for the provision of the following services to visiting members of the public

- Financial services (eg. banks, building societies, cash points, ATMs, bureaux de change, payday lenders, betting shops, pawnbrokers)
- Medical services (eg. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (eg. solicitors, accountants, insurance agents, financial advisers, tutors)
- Post Office sorting offices
- Day nurseries
- Kennels and catteries
- Casinos and gambling clubs
- Show homes and marketing suites
- Employment agencies

There are a number of further types of hereditament which the Welsh Government believes should not be eligible for the relief.

Hereditaments that are not reasonably accessible to visiting members of the public

If a hereditament is not usually reasonably accessible to visiting members of the public, it will be ineligible for relief under the scheme even if there is ancillary use of the hereditament that might be considered to fall within the descriptions listed under [Which properties will benefit from relief?](#)

Hereditaments that are not occupied

Properties that are not occupied on 1 April 2021 should be excluded from this relief. However, under the mandatory Empty Property Rates Relief, empty properties will receive a 100% reduction in rates for the first three months (and in certain cases, six months) of being empty.

Hereditaments that are owned, rented or managed by a local authority

Hereditaments owned, rented or managed by a local authority, such as visitor centres, tourist information shops and council-run coffee shops or gift shops attached to historic buildings, are exempt from this scheme.

How much relief will be available?

The total amount of government funded relief available for each property under this scheme for 2021-22 is 100% of the remaining bill, after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, excluding those where local authorities have used their wider discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants. Retail, Leisure and Hospitality Rates Relief should be applied against the net bill after other reliefs have been applied.

The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year.

Amount of relief to be granted = V , where

V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any other discretionary reliefs, excluding those where local authorities have used their discretionary relief powers introduced by the Localism Act 2011 which are not funded by section 31 grants.

This should be calculated ignoring any prior-year adjustments in liabilities which fall to be liable on the day.

Ratepayers who occupy more than one property will be entitled to Retail, Leisure and Hospitality Rates Relief for each of their eligible properties.

Retail, leisure and hospitality properties which are excluded from Small Business Rates Relief due to the multiple occupation rule are eligible for this relief scheme.

Changes to existing hereditaments, including change in occupier

Empty properties becoming occupied after 1 April 2021 will qualify for this relief. If there is a change in occupier part way through the financial year, after relief has already been provided to the hereditament, the new occupier will qualify for the relief if they operate in the retail, leisure or hospitality sectors on a pro-rata basis based on the remaining days of occupation using the formula used in the section titled [How much relief will be available?](#)

The discount should be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the discount on that day.

State Aid

Following the end of the transition period for the United Kingdom leaving the European Union on 31 December 2020, EU State Aid regulations only apply in limited circumstances. As the relief is not funded by EU residual funds, EU State Aid regulations no longer apply for this scheme. As of 1 January 2021, the UK Subsidy Regime came into force. The scheme has been viewed to be outside the scope of any international trade agreements as measures are focused locally within Wales.