

Written Submission by Dr. R. John Pritchard in relation to Open Floor Hearing 3, for Deadline 5

1. I regret that owing to ill health (which can be documented if necessary), it has taken me longer than expected to update and replace the large spreadsheet that I sent to you in relation to Thanet business rates which I submitted to Deadline 4 as **part** of what I offered in written evidence in **[REP4-104] TR020002-003695 - Dr John Pritchard - Personal Submission.pdf**, and to which I referred in my oral submission at Open Floor Hearing 3 at the Odd Fellows Hall, and to prepare these additional notes to accompany that document.

2. You may recall that when I addressed the Examining Authority at OFH3, I began with an apology for the fact that in my iteration of my analysis of FOI data incorporated within that spreadsheet on business rates at Deadline 4, I over-cast the figures by failing to take any account of the exemption codes and and categories. I struggled to complete all of the necessary revisions by Deadline 5, and what I first submitted on the night of Deadline 5 didn't scale properly.

3. I've now attempted,

- so far as it is possible from FOI data published on the Thanet District Council website,
- and from policy statements compiled by Thanet District Council and East Kent Shared Services (attached),
- and from policy guidance subsequently provided to me in phone calls with Thanet District Council commercial ratings staff,

to factor in how existing mandatory and discretionary rates relief codes and practices currently in place have affected what rates actually have been paid and due for all affected registered properties in Thanet.

4. I freely acknowledge that the enclosed spreadsheet remains **indicative**, however, **not definitive**, for I have not sought to find out precise negotiations between individual land owners and their tenants and TDC may have dealt with **discretionary** relief codes where those may have been subject to detailed enquiries into personal circumstances and further adjustment on a case by case basis that I, at least, would deem to involve data that I would expect to be regarded as protected under General Data Protection Regulation [GDPR]. However, the enclosed spreadsheet does reflect, to the best of my ability, how **policy** statements (enclosed) have been implemented generally in accordance with the guidance I have received both embedded in the original FOI source document on the TDC website and from the **further** enquiries I have taken up with TDC officers within the rating authority. This iteration of the analytical spreadsheet, I submit, is therefore sufficiently robust to support key points I want to make. These are:

4.1. That should development consent be granted to RiverOak's DCO Application, then the airport, when revalued following each successive stage of the works for which development consent at Manston Airport is sought, will likely provide the Local Authority with revenue that will outstrip the contribution made by a considerable percentage of all of business rates revenue that will in future be collected and retained by the Local Authority from **any** other business in Thanet. and also will in time likely exceed the **combined** business rates paid by

all of the other businesses within Ramsgate and its environs, or within Margate & Westgate, or within Birchington & St. Peter's;

4.2. That my contention that the revaluation of the Airport infrastructure and land use, following each stage of its regeneration, will likely be so great as to protect or cushion other properties from rates increases that would otherwise likely be needed to enable Thanet District Council to meet the costs of providing services it either MUST supply or which would hugely benefit the residents, businesses and tourist economy of Thanet by measures that will likely include further sell-offs of Council-owned properties. The same case, I believe, is likely to be applicable in neighbouring authorities, too, but attempting to prove that in a similar way by examining FOI data available in relation to those authorities would be beyond the focus of this present submission;

4.3. That conclusions I have drawn from this spreadsheet data are reasonably transparent, fair, just and reasonable and bear upon the degree to which submissions by Thanet District Council in its Local Impact Report and in the Council's contributions on Local Need for the Airport during Issue Specific Hearings to Deadline 5 can neither be accepted at face value nor given significant weight;

4.4. That the spreadsheet reveals that > 3,000 business premises in Thanet pay nothing at all in business rates.

4.4.1. In many cases that is due to mandatory or statutory exemptions.

4.4.2. In other cases the exemptions are discretionary, some on a sliding scale, and some amounting to the entirety of the amount that would otherwise fall due in full or reduced commercial rates, all for good reasons.

4.4.3. Some of those reliefs are due to be phased out entirely over the next few years.

4.4.4. The real burdens many local businesses face will doubtless rise unless means can be found to continue to offer them protection from business rates increases, or to restore exemptions to previous levels, while not hamstringing the Local Authority or the provision of public services it provides or funds in Thanet.

4.4.5. Factoring in the anticipated income from the Airport's commercial rates going forward is likely to enable Thanet District Council to be far more business-friendly in terms of commercial rates demands and public service provisions within the business sector generally in Thanet.

4.5. That the Business Rates Section of Thanet District Council have informed me that staff are entirely unaware that any calculations or enquiries bearing upon forecasts for the value of RiverOak's projected infrastructure development programme have been made or how RiverOak's programme, carried out, would likely affect the quantum of business rates collected from the airport's very great redevelopment and enhancement should the Application be consented.

4.6. That the rating valuation of infrastructure and land at each significant airport in the country will to some extent be *sui generis*, but for this Local Authority to fail even to consider to date the scale of those changes in relation to the local impact of Manston Airport is a matter

that **ought** to be addressed (if the Examining Authority confirms that neglect of this factor has occurred negligently or deliberately): I hope this will be considered by the Examining Authority during its continuing Examination and in its subsequent report and recommendations to the Secretary of State. To demonstrate just how considerable that impact might be, and put that in context, consider this:

4.6.1. The ratable value of Heathrow Airport is far, far higher than that of any other property in the United Kingdom. It generated £118 million in commercial rates in 2017.

4.6.2. Gatwick Airport generated £30 million in commercial rates and with the further changes in the way that airport operates now under review, a contribution on that scale to the local authority's income is not only huge but can be predicted to rise significantly in coming years.

4.6.3. And at Stansted Airport, it is appreciated that the airport contributes more to Uttlesford District Council than any other property in the area: it had a ratable value of £30,230,000 in 2017.

4.6.4. The very latest information available from TDC, as at 4 March 2019, shows that the property with the highest Ratable Value in Thanet has an RV of £3,380,000. Manston, empty and disused, has an RV of £200,000 at present. Accounts compiled by or on behalf of Infratil Europe for 2013/14 reveal that they projected a cost in rates amounting to £214,000 per quarter for 2014. At that time, it had (and still has) 1.5 cargo stand and the existing passenger stands. If that existing infrastructure were in continuing use today, then even without making any allowances for inflation, or for any improvement at all in infrastructure that lies at the heart of RiverOak's Application for Development Consent, Manston Airport today would likely be paying over £1 million per year in rates.

4.6.5. After adding twenty-three new stands, and the additional hangarage and new facilities that are set out in RiverOak's master plan for Manston Airport (as amended), the benefits to Thanet and to Thanet District Council would **rise by more than an order of magnitude**.

4.6.6. The spreadsheet, based on the information I have been able to use, shows the "Café Culture" businesses in Ramsgate pay no more than a total contribution to Business Rates amounting to £542,809.83 compared to £8,807,697.96 paid or due in commercial rates by industrial businesses in Ramsgate as at 18 December 2018. To express that in another way, measured in terms of business rates (a key factor in terms of how one can gauge how a sector of the economy will contribute to the local authority's revenues), Ramsgate's "Café Culture" contributes less than 1/16th as much as Ramsgate's industrial premises.

4.6.7. When the totality of all commercial premises in Ramsgate are considered, the total business rates paid or due in Ramsgate amounted to about £14 million, compared with Westgate and Margate which amounted to £10.6 million, or compared to Birchington which amounted to about £1.5 million, or to Broadstairs which amounted to about £16 million: this strongly makes the point that the "Café Culture" businesses of Ramsgate should not be considered to represent a major part of the overall business

picture of Thanet in the manner that Thanet District Council have implied and which No Night Flights and the Ramsgate Society have repeatedly claimed in their submissions.

4.7. Thanet District Council has said that it has not seen the Joint Venture Agreement or full business case that underpins the Applicant's plans. That is not an appropriate demand.

4.7.1. As I've said in my other submissions, I am not aware of that having been required in any other DCO Application.

4.7.2. Funding Statements can be underpinned by other means to show that there is a reasonable prospect of the project being fully funded at each stage goes forward through the Application process, through the infrastructure development when consented, and as a going concern thereafter.

4.7.3. The demand by Thanet District Council for greater clarity in RiverOak's projected earnings and expenditure can be turned on its head: if TDC have not quantified how much it expects the Airport to pay in rates, year on year, following consultations with the Valuation Office Agency, how can RiverOak fully forecast how much money the Local Authority will extract from the Airport and its investors when it comes to commercial rates?

4.8. The analytical spreadsheet I have enclosed shows how small a percentage of the total ratable value of commercial properties in Thanet is concentrated in the "café culture" that exists along Harbour Parade in Ramsgate, which opponents of the airport claim would be under threat by aircraft flying overhead en route to the airport or under the departure pathway.

4.8.1. I cannot estimate the value of the premises there in terms of the money they bring in individually, but some notion of their business value may be possible to extrapolate or infer from the contribution of the business rates that they actually pay into Thanet District Council, and in the ratable value of the premises themselves. Obviously, those are not the same as the actual commercial value of the premises, either, but at least it provides the basis for the beginning of indicative comparisons.

4.8.2. And what is evident from that analysis (*vide* paras 4.6.6 & 4.6.7., *supra*) is that even when the new Wetherspoons flagship pub on Ramsgate seafront (the Royal Pavilion) is factored into the picture, the tourist districts of Margate and Broadstairs are far more extensive and far more valuable than their counterparts in Ramsgate, as is the total take in terms of income generated by events in the respective districts.

4.8.3. Indeed, the "Café Culture" area along the sea front in Ramsgate has a **ratable value** that is only a fraction of the total number of business properties and especially of industrial premises in Ramsgate, let alone the other relevant Thanet district towns. The spreadsheet I have provided provides comparisons that make this crystal clear.

4.9. I hope that the Examining Authority, having seen the results from my indicative analysis of FOI figures, will invite Mr. Livingstone, on behalf of Thanet District Council, to procure and produce for the Examining Authority the true figures that can make this crystal clear, ward by ward, so that the facts may be put beyond any possible dispute not just in relation to wards in Ramsgate but when compared to other wards within the whole of the district.

4.9.1. With the records that Thanet District Council holds, this should not be a difficult or prolonged request for the Council to fulfill (especially at the present time while the political groups of elected Members on the Council are in purdah facing re-election and Council officers therefore have less to do in responding to requests from the elected Members).

4.9.2. All of the properties on the spreadsheet are identified *inter alia* by postcodes and by TDC's individual property reference numbers, and neither the Council's Finance Office and Commercial Rates Office should have any difficulty at all in producing an updated and fully corrected spreadsheet, compiled ward by ward, going right up to the end of the 2018/19 financial year.

5. My overall conclusion is that my work on this spreadsheet provides compelling **indicative** data, the best that anyone has yet produced during this Examination from the FOI data published on the Council's website, that demonstrates that the need for and value of Manston Airport is a matter that is very much in the local **public interest** and in **Thanet District Council's interest** to a point where failing to acknowledge that in the Council's submissions to the Examining Authority is a matter of grave concern.

6. At the same time, it is clear (as the Examining Authority have already heard) that any merit that could be derived through constructing the number of houses that the current owners of the site believe they should be entitled to build on the site Dame Anne Gloag bought for £1 can be fulfilled on sites scattered elsewhere within Thanet and its two neighbouring districts. There is no compelling need to do that on the site of Manston Airport.

6.1. This, I believe, is also the position taken by RiverOak as the Applicant appearing in this Examination, so the opportunities for the Airport to be redeveloped as the Applicant proposes or for the present owners of the site to gain huge dividends from investing in the construction of new homes **in East Kent** are not now and never ought to have been **binary** choices.

6.1.1. They only become binary choices if Stone Hill Park **refuse** to consider alternative sites elsewhere in East Kent.

6.1.2. It is my belief that Stone Hill Park's expectations of appreciable compensation for their frustrated aspirations ("Hope") are misguided and should not adversely affect efforts to quantify how much should be set aside by RiverOak in anticipation of the amount of compensation that will have to be paid by RiverOak if the airport's compulsory acquisition by the Applicant is consented by the Secretary of State.

6.2. The Airport exists, is disused, has been the pride of Thanet for a full century, sits in a position from which it cannot be removed from Manston to another viable location in East Kent without its complete destruction and a multiplication of the expense required to become a nationally significant infrastructure project.

6.3. The alternative proposed by the present owners of the site will never be a nationally significant infrastructure project but could anyway be reproduced elsewhere in East Kent if viable in terms of need and the willingness of building firms to take on its phased subdivisions: confirmation of that opportunity has been sufficiently confirmed during the past fortnight when Quinn Estates, who formerly tried to drum up support for the construction of

ten thousand homes at 'Stone Hill Park' in association with the current owners of the site, announced to the press that they are now undertaking an alternative development comprising six thousand homes in one of those two neighbouring districts.

6.4. Whether through an award of compulsory acquisition of Manston Airport by RiverOak as sought, or through voluntary sale of the site to RiverOak by Stone Hill Park, I would hope that any opportunities of the shareholders of Stone Hill Park hope to achieve can and should be realised **elsewhere**, not at Manston Airport.

Dr. R. John Pritchard

Submission by Dr. R. John Pritchard on the Compulsory Acquisition Hearing for Deadline 5

I look forward to the publication of further information from RiverOak Strategic Partners Ltd. on the restructuring of their parent company which has until now been based in Belize. It is, of course, well known (although not perhaps in Thanet) that basing the parent company in Belize offers advantages to investment fund managers and their subscribers. There's nothing fundamentally wrong about having previously availed themselves of that off-shore entity which is under the protection of the Crown. We have learned that the new entity, which we we understand to be RiverOak Manston Ltd., will be registered in London and subject to UK law, financial regulation and taxes. That, I believe, will be welcomed in the interests of transparency but the granting of development consent or indeed the formulation of the Examining Authority's report and recommendations should not be dependent upon that being accomplished by any specific date during the Examination and might even be delayed until the Secretary of State comes to consider whether to grant development consent to the project: to make this the basis for non-determination or a refusal of consent would be unprecedented amongst cases subject to the Planning Act 2008 regime and in my view likely subject to judicial review.

RiverOak have made it clear, and I quite agree that this is reasonable, that the shareholders and directors are by no means expected to disclose their identity under the Planning Act 2008 as amended. Any imposition of such precondition to a report and recommendation by the Examining Authority couched in favourable terms in advice to the Secretary of State for Transport would be unprecedented and unwelcome. There are other ways of gaining assurances that the sources of funds and their trustees are persons of good character and fitness. Whatever changes may take place in respect to the locus of the parent company, or to the identity and residency of their funders, could set an unwelcome precedent and one that will have negative implications in terms of the purposes for which the Planning Act 2008 was enacted. It is also in the nature of project funding that as time passes some investors may join later than others or may be replaced by others. There's nothing strange or 'wrong' about that, and no conclusions must ever flow from that. The only relevant test as set out in well-established guidance is whether there is a 'reasonable prospect' of the project being fully funded, and that test is appreciably lower than even 'more likely than not'. It is clear this this project more than meets that test.

It became clear at the Compulsory Acquisition Hearing on 20 March that thanks to Thanet District Council's senior management team and its efforts to frustrate the will of two-thirds of the elected Members of the Council, the Draft Local Plan that has been submitted for examination by the Planning Inspectorate in the course of the next month will affect the "Hope Valuation" of the airport land, notwithstanding the fact that at the time of the Application being lodged and at all times since the only extant planning consent for the land, as Inspector Nunn confirmed in his judgement on the Stone Hill Park Appeals in July 2017, remains as an Airport, designated for Aviation-Related Uses Only. It would appear that absent any determination by the Planning Inspectorate following the Public Examination in April that the TDC Draft Local Plan must be recast for any one or more of the reasons for which it was deemed unsatisfactory by elected Members and the electorate (whose objections to the Draft Local Plan have not been considered sufficiently or at all by Thanet District Council's senior management team) and which did not result in any amendments to the Draft Local Plan as submitted, then the Applicant for the Manston Airport DCO would not have had to deal with any Hope Valuation at all for it would be absolutely plain that the "Stone Hill Park" applications are entirely speculative and that they have been so from the time the airport was purchased for £1.00 by

Ann Gloag (with promises to keep it open as an airport for at least two years while the new owner and her confederates undertook studies for its refurbishment and further marketing.

It was interesting to hear at the CA hearing that the underground pipeline, constructed in 1944 by the War Ministry, had been unrecorded when properties over it were built upon, that everyone was surprised by its existence, good to hear that it is in very good condition, but important that it nevertheless represents a potential liability for its present owners.

It was also interesting to hear that Stone Hill Park maintain that the commercial confidentiality agreement that they had with RiverOak was deemed by Stone Hill Park to have expired and therefore that the owners of the land were happy to reveal that RiverOak had offered Stone Hill Park £20 million for the airport land.

Why Stone Hill Park insists that RiverOak's acquisition of the Jentex fuel storage facility should be a matter which should be put before the Examining Authority, I do not know. I cannot ever recall such information being considered a relevant factor against the interests of an Applicant in any other application that has been put before an Examining Authority for its report and recommendation. At any rate, it now appears that the projected costs of the whole project has escalated between the time when this Application was formulated and consulted upon and the present time.

RiverOak have informed the Examining Authority that they have expended £14.5 million to date in getting this far. That is more than the total projected costs some other DCO Projects but very small indeed in comparison with what other projects have cost or are projected to cost. The calculation of what should be set aside for Blight Claims was discussed to the extent that I felt was appropriate, and I was gratified by what we learned of the Price Waterhouse Cooper valuations that was disclosed. The Applicant is clearly going through this whole process with their eyes wide open. The Applicant, however, has shown no signs of wishing to pull out of the project. That, of course, is to be welcomed, and it is evident that the Applicant and their parent company of investors are willing to absorb those extra costs.

Stone Hill Park requested that RiverOak should produce audited accounts for all entities that may be engaged in funding this DCO project. I can find no precedent for that in any other DCO project that I have examined carefully. Generally, letters of comfort are sufficient, for they are what they are: preliminary understandings on the basis of which agreements are reached subject to the granting of development consent. How could it be otherwise when the investors principally reside abroad and are subject to foreign tax and disclosure rules, rules which I believe involve penal sanctions under the Patriot Act where American investors disclose the sources of funding on any large scale to any foreign government. As the Planning Inspectorate and the Secretary of State for Transport clearly do exercise their powers within organs of Her Majesty's Government in the United Kingdom, there is a limit to how far they may disclose anything. The obvious solutions are either to provide a suitable Guarantor for the costs of the project at least in connection with Compulsory Acquisition issues, or to provide some other form of comfort such as often used in DCO projects.

What is clearly not acceptable, in my opinion, is the demand of Counsel and Planning Experts representing Stone Hill Park to demand that funds for the whole Projected cost of acquiring and developing the airport site and meeting blight obligations to be put into escrow by the end of the

Examination. There's no precedent for that, so far as I can see, nor for any provision in the Order for land to be handed back to Stone Hill Park or any other previous owners if the project should fail after being consented by the Secretary of State. So long as Stone Hill Park and others who have interests in land are fully compensated either to the extent specified in cases of environmental detriments to their health, or to the extent of the liabilities determined by an independent valuer following development consent, then neither Stone Hill Park nor anyone else should be required to give back land for which they have already been compensated, or indeed to require beneficiaries of double glazing and insulation grants to return monies expended on them for improvements to their houses (which would be just as illogical). In the unlikely event that the Applicant was not able to complete their project following development consent, it would be up to the Secretary of State to insist that the land should be sold to others, with the benefit of development consent, for the purposes for which that consent was granted. There could at that point be no other lawful use of the land, and certainly no change could be assumed without going back not only to the Secretary of State but to the local Planning Authority and full public consultation. Moreover, in the unlikely eventuality that RiverOak found itself unable to proceed with the project as consented, then if the Secretary of State or the present Applicant were to find a willing successor that would be prepared to take over the project as consented, then that must be the right outcome, for better or for worse, as the only lawful use of the land at that point. In either event, Stone Hill Park should have no residual claim over the land in any circumstances after the independent valuation of the land is dealt with and payments in full to the sums awarded by the valuer are made for the land.

During the Compulsory Acquisition Hearing, Stone Hill Park's representatives repeatedly cast doubt on the appropriateness or entitlement of the Planning Inspectorate having determined that the Manston Airport Project represents a Nationally Significant Infrastructure Project. I was happy to see that this was resisted by the Examining Authority. While the Application might reasonably be subject to challenge, the re-opening of that earlier determination must ultimately be a matter for the relevant Secretary of State and I do not believe that under its present rules the Examination Authority has the power to re-open the Acceptance stage and summarily refuse to consider the Application further. The attempt by Mr. Rhodes to apply Town & Country Planning Act criteria to a Planning Act 2008 Application for development consent seems to me entirely wrong, particularly where doing so ignored the effects of NSIP criteria as set down in statute.

I was interested in hearing the "long lease" proposal put by Stone Hill Park to RiverOak as an alternative to Compulsory Acquisition. I believe that RiverOak's refusal of such a proposal was entirely reasonable. No-one would seriously become an investor in any significant way in a nationally significant infrastructure development project where their investment could not be secured by an interest in the freehold to the land and its buildings, taxiways, runway and other structures to which their money contributed, and that would be true whether it was for 25 years or 125 years: the notion was preposterous.

The Triton Knoll case was mentioned in relation to alleged interference with the human rights of Stone Hill Park or other persons. That isn't on all fours with the present case. The position in law is clearly that the Examining Authority and the Secretary of State must consider the human rights of affected legal and natural persons but that the balancing of those rights, any other detrimental factors, and the anticipated benefits of the project must be balanced, and in doing that the Secretary of State must exercise his own unfettered discretion. To claim otherwise is simply not in accordance

with the statutory framework nor decided cases, and that should be accepted not only by the Examining Authority (who know it well) but by all interested parties.

Dr. R. John Pritchard

28 March 2019

The DCO Examination Issue Specific Hearing on "Need and Operations" for the Manston Airport Development Consent Order was fascinating. The arrogance of Louise Congdon, her disdain for those who have been engaged on RiverOak's side was so complete and unrelenting that she failed to understand how comprehensively her own position was destroyed by RiverOak's team. That, in itself, was good to see.

Dr. Sally Dixon, at first, struggled to hear all that was said, but after microphone levels were adjusted she rallied with support from Chris Cain of Northpoint Aviation and other members of the RiverOak team, and once again Isabella Tafur, RiverOak's barrister, was impressive. There was an overt hostility on the part of the Stone Hill Park side, a jeering and staring strategy that did their side no credit and which, it seemed to me, was far from appreciated by the Examiners (who have already warned members of the public from inappropriate behaviour of this kind on more than one occasion). The NNF brigade, to the surprise of few of us on our side, rejoiced at what they believed to be a victory and rout against RiverOak's case on the Need for the Airport in NSIP terms. But in truth they could not be more wrong, for it was RiverOak's side that prevailed.

When it came to the end, KNMA's Dave Ashley and Keith Nicholls raised points that had not featured during the day's Examination by the Examination Authority or by Stone Hill Park's team. So did SMAA's Beau Webber. I fully agree and support those submissions.

I myself made seven points that directly addressed points that I felt needed to be made:

1) Mr. Broderick, one of the Examiners, had asked if Manston had been mentioned in the Aviation Policy Framework or Airports National Policy Statement. RiverOak's team rightly pointed out that it hadn't but neither had other key airports and it was important that HMG's policy is that all spare capacity in the nation's airports should be utilized to the fullest extent possible. But I observed that when at the relevant time those documents were produced at the end of their respective periods of investigation, Manston was closed and had been divested of equipment and licenses by the present owners and RiverOak's plans for the airport had not yet been assessed by the Planning Inspectorate as a Nationally Significant Infrastructure Project.

2) The chair at the Issue-Specific Hearing on Need and Operations had pointed out that the Azimuth Forecast by Dr. Sally Dixon revealed that Manston could be expected to produce low freight load levels compared with those found at other airports (and RiverOak's side had said that was related to the different mixes in aircraft types that most featured at different airports), but I pointed out that it was also explained by the types of cargo that historically had been carried at Manston: flowers, fresh fruit, pharmaceutical products, horses and Formula 1 cars, for instance, weigh less than aircraft full of heavy engineering or manufacturing items that are more commonly found in a number of airports elsewhere.

3) I expressed a hope that Mr. Hinchcliff, for RiverOak, would confirm that the stacking and diversion problems that afflict airports within the London airspace area have not applied to Manston in the past and may not do so in the future either (he had pointed out that even if Manston were to be part of a wider London airspace area in future, it would be on the fringe of it. All of that is still to be decided over

the course of many further months of discussions as the impact of the third Heathrow Runway DCO comes to be consulted upon and after the actual application is duly submitted.

4) I pointed out that Mr. James Strachan, QC, Stone Hill Park's barrister, in his cross-examination of Dr. Dixon about what he chose to characterise as her Business Plan for the Airport project (something that she stoutly insisted was not something that she had been tasked to produce nor had carried out), was asking for a document that would not just have been something that involved commercially sensitive data but was something that I have not found produced or expected to be produced in any other DCO project where I've looked at all relevant documentation. Generally, Examining Authorities in appraising whether there was a reasonable prospect that a DCO project would succeed would only consider whether the project was likely to be fully funded by investors.

It is RiverOak's case that they have the backing of investors who are prepared to see it through and who have the means and expertise to do so. They would necessarily require full access to that commercially sensitive information that cannot reasonably be expected to be made public during a DCO Examination, and that's obvious from just saying as much (in lawyer-speak, "res ipsa loquitur"): it is clear that the fact they are involved and prepared to commit themselves to the project means that they are satisfied by the confidential information they have seen that the business case for the project is sound.

5) I said that I wanted to thank Dr. Dixon for her sterling work and attest to the robustness of her research methods and her statistical methodology, something that I well understood from studies that I had had an opportunity to gain from a period while I was a Senior Research Fellow at the University of Manchester.

6) I asked the Examining Authority to consider whether the determination of the Planning Inspectorate during the Acceptance stage of the DCO Process that the Manston Airport Project IS a Nationally Significant Infrastructure Project might affect the weight that will be given to Manston's case for the restoration of its separate airspace during the airspace allocation discussions that would be undertaken during the next couple of years.

7) In response to suggestions by a questioner who supports the No Night Flights agenda, that Human Rights Issues must be of paramount concern, I pointed out that while under the Planning Act 2008 regime (as amended) human rights of local residents and of Stone Hill Park must be taken into consideration, the weight to be given to that is entirely a matter for the Secretary of State to determine, in balancing of potential benefits and detriments of RiverOak's Application. Parenthetically, of course, we know that Human Rights Act considerations have not tended to prevail against nationally significant infrastructure projects. One of the other things that came out in response to Mr. Strachan's assertions about Sally's experience is that in truth she has a much more solid background than Louise Congdon. Sally's academic credentials are first class, her MBA (with distinction) and a PhD in a relevant discipline are far superior to Louise Congdon's rather poor Master's degree (I write as someone who has read Sally's PhD thesis at Cranfield University, admired it, and then tracked down and read enough of extracts I obtained from the University of Liverpool taken from Miss Congdon's MA in Geography and Planning to dismiss it as third rate and of no enduring value).

Miss Congdon has represented herself as an aviation expert with thirty-odd years of experience in the industry. She has aggressively taken Dr. Dixon to task.

Looking at Miss Congdon's career, I note that Miss Congdon spent a few years (2 1/2) as a director of Ringway Handling Ltd. and five years as a director of Ringway Handling Services Ltd. Ringway specialise in advising airlines (not airport master planners, nor clients dealing with socio-economic impacts for which she has no high-level track record) on air cargo services. She was employed as a General Manager. Ringway Handling Ltd and its parent are Ringway Handling Services Ltd. are wholly owned subsidiaries of Manchester Airport PLC, and accounts for that period show that "the principal activity of Ringway Handling Ltd. during the period was the provision and baggage and freight handling staff at the airport. Louise Congdon represented the Airport on the Board of Ringway Handling Services Ltd., and the other directors were all local Councillors representing Wigan, Manchester City and Thameside Metropolitan Borough Council. The two companies do not appear to have been tasked to carry out high-level airport master planning or needs studies. The Directors of the company had no interest in the shares of the company nor did they have service contracts. Effectively, they looked after the payroll and terms, conditions and performance of some of the airport staff. The annual turnovers of Ringway Handling Ltd. exactly matched their staff costs. Its immediate parent, Ringway Handling Services Ltd., also looked after fixtures and fixings, tools and equipment, pensions, etc., but their accounts ultimately were subsumed into the accounts of its own parent company, Manchester Airport PLC. In other words, these company's did not deal with the overall high-level management of the airport but with much lower level concerns. These are NOT matters that fall within the pervue of a DCO Examination.

After Miss Congdon left Ringway Handling Services Ltd., she then became a director of Total Training Solutions Ltd., for 14 1/2 years, nearly half of her whole career so far as we can see, so she's clearly been involved in staff vocational training, and the company specialised in banks, retailers and healthcare financial services so her input on that subject will undoubtedly be extensive and relevant to the Examining Authority if she is called upon to do that: to date that hasn't happened, but she had more experience there than at any other enterprise. Again, however, these are NOT matters that fall within the pervue of a DCO Examination except where applied to LOCAL needs, not need for airports within the terms of the Planning Act 2008.

Miss Congdon also claims to have spent about ten months as a director of the UK Travel Retail Forum. I believe that at that relevant time the said body had no such title but was a trade association called the Duty Free Confederation. Where's the evidence of cutting edge consultancy research and analysis there: clearly she did not long last there: just nine months, in fact. Her experience, there, will not be helpful or relevant to the Manston Airport DCO Examination.

There are other unexplained gaps in her employment record amounting quite a few years after she completed her Masters degree. It may be that she spent those writing independent research papers:

that isn't clear to me, but given her very mediocre academic background, I'm not persuaded that she made much of an impression in the industry or in academia if she did so. If she thought that was relevant in the growth of her knowledge and skills, would she not have shown how and where? There is no indication that she was a company director during those years.

Miss Congdon has been a director of York Aviation consultancy over the past two years (no longer than that). And Miss Congdon has been a partner (effectively a co-founding non-director investor) in York Aviation for fifteen years. During that time, she's been a writer or contributor to a number of aviation reports, mostly, it would appear, in collaboration with colleagues who undoubtedly bring a wealth of experience to bear upon matters at issue. But as an onlooking Interested Party at this Issue Specific Hearing, I was impressed by the difference in analytical sophistication that was manifest by these two opposing sides, and having heard Dr. Dixon's and Mr. Cain's responses I believe that they more than adequately disposed of Miss Congdon's charges that Dr. Dixon has misrepresented the data that was published in York Aviation reports. It may be that further evidence will be produced that refutes that, but already it is clear, I believe, that these claims are thus far unproven, and her attempts to denigrate the quality of the work done by Dr. Dixon has been compellingly refuted by RiverOak.

Dr. Dixon's report evinces a level of analytical sophistication that is far more finely grained than Miss Congdon's work, as Dr. Dixon demonstrated clearly during her time on the hot seat under fire, and Dr. Dixon spent a decade of her long career at Reuter's as a forecasting analyst before moving into the Aviation field. That is highly relevant and important to appreciate in noting that Dr. Dixon's PhD studies, at a far higher level than anything ever tackled by Miss Congdon in academic distinction, will have been informed by Dr. Dixon's years of experience in quantitative and qualitative analysis which Miss Congdon ludicrously dismisses as anecdotal. Dr. Dixon also lectures on Airport Strategic Planning to postgraduates at Cranfield, the best university in the field and the only university in Europe with its own runway and airport. She's also a full Member of the Royal Aeronautical Society, no mean distinction. Opposite her last week we saw a bank of individuals at the tables opposite who were staring, sneering and leering at Dr. Dixon, mocking her, clearly doing their utmost to rattle her. Was that deliberate and coordinated? I and other onlookers believed so and observed, we believe, that the Examining Authority were attentive to everything that happened. But despite Dr. Dixon having difficulty hearing at times, and striving to give thought and due consideration to what she was being asked, Dr. Dixon did well, and Chris Cain was brilliant: a great team effort.

In closing, I would add, now, that the number of new Chinese airports that are being built and commissioned is mind blowing, and it is reported in the Shanghai List that China plans to build 136 new airports by 2025. The UK has not completed a single new runway in more than 60 years. It cannot be thought that such a huge expansion of airport capacity at places that are rarely visited by large twin aisle passenger aircraft that have vast belly cargo capacities, especially in a post-Brexit world. I am also appending a copy of the text of an article published in Air Cargo News on 19 March 2019 that clearly demonstrate, undoubtedly authoritatively, that the dedicated freighter market is as important worldwide

to Boeing and Airbus as the bellyhold market sector when it comes to shipments of air cargo. If I must choose who I believe, RiverOak's case about air cargo constraints in the UK and the case put on behalf of Stone Hill Park's consultants, I regard RiverOak's case as far more persuasive and in the case of Manston far more nuanced. Nowwhere is that clearer than in Stone Hill Park's experts' insistence that RiverOak's infrastructure development plans will be bound to fail because the airport had a troubled history when it had only 1 ½ cargo stands in the past. The future that RiverOak plan for the airport's infrastructure development and which they are prepared to see enshrined in law by the Secretary of State for Transport through a development consent Statutory Instrument is completely different and, I submit, must be recognised as such.

Dr. R. John Pritchard

28 March 2019

Submission on Noise by Dr. R. John Pritchard to Deadline 5

In my view the Issue Specific Hearing on Noise at the Manston Airport DCO Examination went well. Again, the questioning was very fine-grained. The panel today was led by Examiner Broderick, following the practice that this Examination Authority (panel) had adopted of taking turns as one session follows another.

There was much discussion about what noise levels from aircraft should be deemed to be appropriate and on what weightings they should be measured. RiverOak were well-represented by about a dozen members of their team including two members of the noise modelling and measuring team and another expert whose field is the effect of noise on human health. A good deal of the time was spent on determining the points at which claims to compensation ought to arise and where absolute bans of higher limits should be imposed through the secondary legislation that the Examining Authority would recommend, if agreed, for the Secretary of State for Transport to sign off by the development consent Order.

Thanet District Council was represented by Iain Livingstone, Head of Planning, who was assisted by three other individuals who evidently have some degree of expertise in environmental noise. No one asked them about the level or breadth of their experience.

Canterbury District Council fielded two experts, and Dover District Council as the other neighbouring authority was not represented at all, although my understanding is that Dover District Council may be the best run of our three local authorities in East Kent.

A very welcome addition to the experts who were there today were two representatives from the Independent Commission on Civil Aviation Noise including its chief examiner. They felt unable to help determine the level at which the onset of significant noise annoyance or of very significant noise annoyance due to aircraft noise should be regarded as problematical.

Much of the questioning by the Examining Authority was directed to how far special limits should apply in relation to schools (and which schools), in classrooms or in playgrounds, and whether with closed or open windows. Generally speaking the questions focused upon whether the appropriate limits might be one, two or three decibels (and at what level of sampling period).

Thanet District Council sought to ensure that it would be the body responsible for setting appropriate levels at regular intervals and in line with new construction and against the background of ever-quieter engines in future years. That was resisted by RiverOak through Counsel on grounds, inter alia, that Thanet District Council had not impressed the House of Commons Select Committee for Transport on TDC's capacity to deal with highly technical issues, in part because TDC is not very well resourced.

When the time came to make submissions, I spoke as an individual rather than as a member of SMAa, not least because Beau was there as the spokesman for our Association.

I made four points:

- 1) As an audiophile of some sixty years standing, I'm aware that an increase of 3 dB will double the actual energy level (sound pressure) that will occur but that this is generally held to be the minimum

amount of increase in "noise" (sound) that the average human ear can detect. I'm not sure how frequency-dependent that de minimis perceived volume at 3 db was likely to be across the whole of any relevant part of the audio spectrum (or how relevant that would be to aircraft noise levels as they rise when approaching or fall when going away. Decibel levels are measured not linearly but on a logarithmic rms scale. I asked for my understanding of that to be confirmed by RiverOak's experts. They made no response at the time but afterwards confirmed that I was generally correct in this and all my other observations about noise levels, subject to recognition that a small percentage of people may be particularly sensitive to noise level changes compared to other people.

Why is that relevant? Because the Issue Specific Hearing on Noise seemed to spend an inordinate amount of time stressing over very small differences of one, two or three decibel attenuations of noise, amounts that are either wholly unlikely to be detectable by human ears or only barely detectable. Yet the COST of reducing the actual sound pressure (energy level) to that degree is likely to be disproportionate to anticipated gains at that point so should you bother? Will it be worth the upheaval required?

2) It was Thanet District Council's contention that because the airport has been closed for some years, on its reopening people would not be habituated to the sound of aircraft coming in to land at Manston or taking off from Manston over the town of Ramsgate. Thus a lower noise limit should be set to account for that greater annoyance than would have been needed in the past. The point I raised was that when the airport first reopens, aircraft will come over with less frequency than they will years from now and so re-habituating will be less problematical than might be supposed as significant effects upon sleep, study and other activities become greater when the number of incidents occurs more often per day or per hour. Thus the lower noise limit would not be needed to offset the loss of previous habituation. Was that true? I later was assured that it is so.

3) A good deal of attention today was spent on whether the mobile homes in Smuggler's Leap caravan park would face particular problems due to their proximity to the Western end of the runway. I pointed out that these caravans are deep in a relatively small chalk quarry and thus well below the surface of the ground, largely shielded from direct road and airport noise. Except when aircraft are directly overhead, these homes would be far less exposed to noise and the lengths of periods of annoyance, if bothersome at all, would be for many fewer seconds per ATM than more distant sites above ground. I'm told that Smuggler's Leap is and always has been a very quiet place to live! Was that true? Afterwards, I obtained assurances from various quarters that this is true.

4) Finally, I noted that the thought of TDC becoming the relevant approving body on noise limits and their regulation and mitigation filled me with horror, for reasons I had already given to the Examining Authority previously. I left it at that.

Afterwards, other oral submissions to the Examining Authority were made [REDACTED] [REDACTED] and [REDACTED] that in different ways covered much the same ground that I did. Christine also read out a wonderful letter by [REDACTED] that was very evocative and spot on.

The length of time people chose to live in that caravan park while the airport was in full swing (during and after the Second World War and Cold War as well as throughout its operation as a civilian airport) is precisely why I think that the Examiners need not fret about noise levels over that site in the way that TDC chose to make that an issue. The ExA may be under the impression that caravans have greater problems than ordinary houses when it comes to noise insulation. Because caravans have solid insulation sandwiched between two bonded skins, I'm not at all certain that's true for the structure of their respective inner and outer surfaces produces quite different attenuations of different audio and other vibrational frequencies. If those of our members who live in caravans in areas exposed to overflights by aircraft that flew in and out of Manston would be good enough to write about their feelings on this matter, that would be incredibly helpful. I have suggested elsewhere that Physicists and acoustic engineers may wish to add input on the PINS portal. The pent roofs of caravans may also have an influence on lowering susceptibility to noise.

Dr. R. John Pritchard

1313 words

Submission by Dr. R. John Pritchard to Deadline 5 in relation to other Submissions by Anti-Airport Supporters

Many of our supporters recognise that they have already made their views clear here and to the ExA and that little point is served by repeating what has already been submitted.

I have heard nothing from NNF during the past two months that I feel the ExA will regard as having much significance. It is just a recycling of the same mantras: disconcerting, perhaps, but no reason for any of us to be disheartened. Please don't expect those of us who follow this most closely to rise to the bait or to matters that are highly unlikely to be given any weight.

What I would like to see much appreciated is the exceptional skill of the RiverOak team, and those who attend the Issue Specific Hearings this past week will see more of that deployed.

In terms of decided cases, the number that have been refused development consent can be counted on the fingers of one hand. Two were wind farms rejected in 2015. An underground gas storage facility was rejected in 2012 but was accepted in the following year after a judicial review. A carbon capture and storage facility was refused consent in 2016. A cross country pipeline application was rejected in 2017. That's it. Every other decided DCO application has been granted.

And if the environmental grounds on which No Night Flights oppose the Manston DCO were valid, no other airport DCO would ever succeed and that would be contrary to national policy. They are, at root, against any commercial airport or airport expansion scheme affecting at least the Southeast of England. To that extent, their objectives and evidence towards those objectives must be disregarded for the policy of HMG is to ensure that all existing airports (and Manston is one, even if presently disused) are developed to the greatest degree possible.

The poisonous ad hominem attacks on Tony Freudmann and Niall Lawlor must count for nothing. Those attacks are intentionally malicious and defamatory and in the case of the former concern contested matters that were disposed of nearly a generation ago and without any criminal proceedings having been initiated much less resulting in conviction by a court of law. The allegations concerned alleged breaches of trust and had this been sound upon prosecution, trial and conviction they would have resulted in a custodial sentence: the facts that the police did not recommend prosecution, that the Crown Prosecution Service did not feel it merited prosecution, and that the only sanctions taken went against the initial ruling by the relevant vocational body makes all of this a tempest in a teapot a generation later. Even if this had resulted in a conviction and custodial sentence, to refer to it at all when it would have been a spent conviction would itself be a criminal offence. If the alleged activities so long ago are given any weight by the ExA or Secretary of State that would be subject to judicial review and anyone with an ounce of sense would have realised that long ago.

The funding questions are a red herring and betray a complete ignorance of how funding issues are handled in many other DCO projects.

In conclusion, if No Nights Flight or Stone Hill Park feel lucky, they are totally deluded.

Since 2016, I have tracked every single DCO project that has appeared on the PINS website since the inception of the regime. In some cases recording all of the details has been challenging because after five years data is removed from that website. Where that has happened, I have done what I can to track down further information about those that are no longer reported there. Let's just say that

the data is as complete as I can make it, and the number of issues that I've tracked has grown in complexity. I can confirm that as today there are currently 65 projects that are currently in the pre-application stage (the latest of which is a Luton Airport expansion plan to double the size of their number of passengers to 32 million passengers a year, a DCO project due to be submitted a year from now): one of those has currently been placed on hold (effectively temporarily withdrawn) but the others are progressing.

The total number of projects that have ever been recognised as having initiated the Pre-Application stage is 169, and 104 of those have been resulted in Applications that entered the Acceptance stage.

Only one was rejected during the Acceptance stage.

Five were temporarily withdrawn before Acceptance, and of those two subsequently received development consent, one was unsuccessful and two are still working their way through the DCO process (with one awaiting a decision by the Secretary of State on or before 10 April 2019 and the other being the Manston Airport DCO Application).

Three Applications have been permanently withdrawn before Acceptance, another was withdrawn afterwards.

A total of 101 entered the Pre-Examination stage, with 100 of those having reached the end of the Registration Period for Representations.

Ninety-one have entered the Examination Stage, and 75 entered the Recommendation and Decision Stage.

One of the issues that I have tracked are ALL of the Funding Statements and Statements of Reasons. The former were relevant at the Compulsory Acquisition Hearing to which this Submission relates. In **not one** DCO has there been the level of scrutiny on funding that has been evinced at this first Compulsory Acquisition Hearing. However, that's actually quite a good thing. The day's session was highly useful and I am sure that going forward it will result in written responses that will satisfy the Examiners in all respects. We already have indications of where that's going, and I for one am more than happy with that.

I fully appreciate that the job of the Examination Authority is to stress-test DCO Applications, and they are exceedingly good at what they do. As DCO Examiners mainly rely upon written evidence, and keep refining and refining questions they put to Applicants and other major interested parties, that in effect progressively hones every Application so that it either breaks or becomes bullet-proof.

The statistics I shared earlier here demonstrate that when an Applicant is blessed with expert advisers of the highest distinction, as RiverOak is, the success of each project is almost assured if the Applicants engage with the process seriously. And there has always been evidence that RiverOak DO take this process and project very seriously indeed. It behooves Stone Hill Park, No Night Flights and the handful of other genuine anti-airport or anti-aviation groups to take that on board.

Dr. R. John Pritchard

28 March 2019

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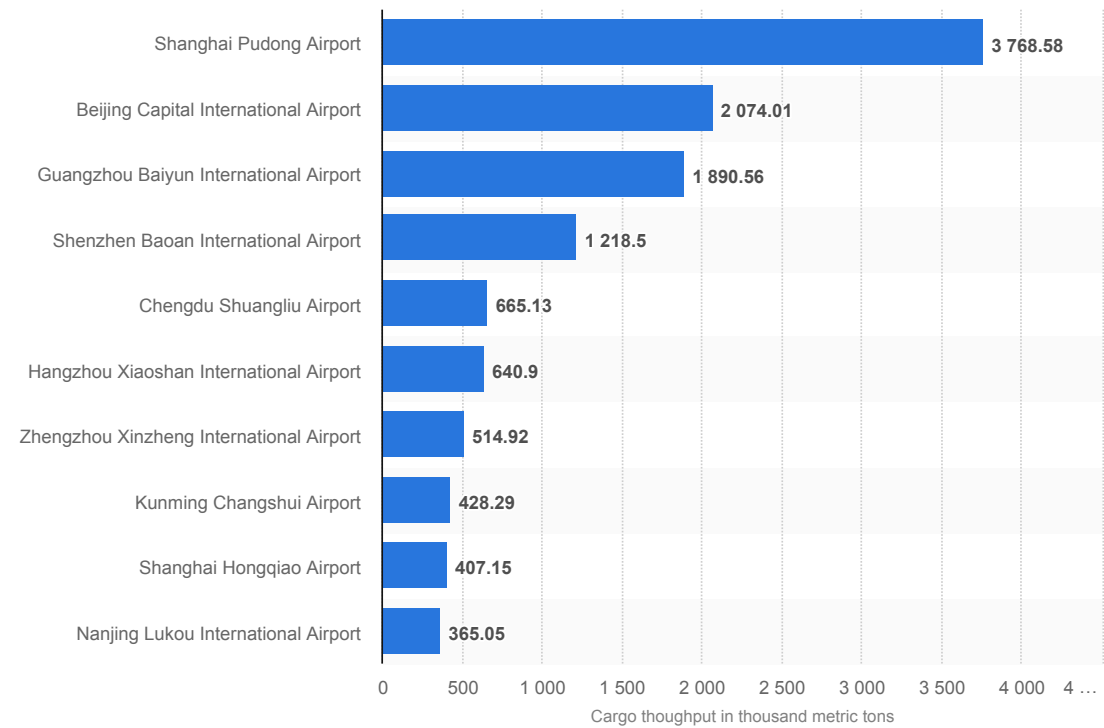
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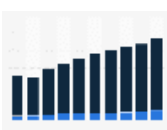
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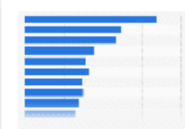
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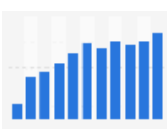
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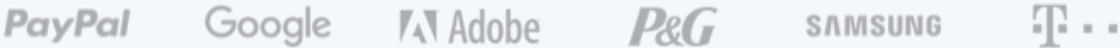
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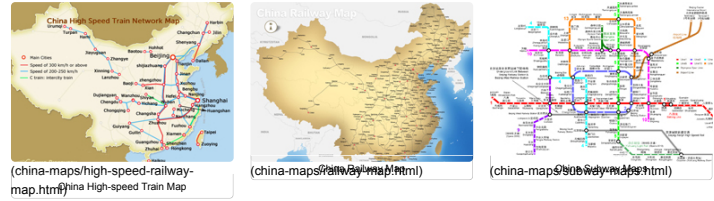
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CAAC Issues Chinese Airport Performance Statistics for 2015

By [Lena Ge](#), China Aviation Daily | Apr. 05, 2016

Chinese airports handled a combined 914.8 million passengers in 2015, a 10% increase from the year prior, according to 2015 Civil Airport Performance Statistics Bulletin released by Civil Aviation Administration of China (CAAC) on March 31.

Cargo and mail throughput rose 3.9% to 14.1 million tons, while aircraft movements climbed 8% to 8.6 million.

Total Passenger Numbers Up 10%

Total passenger numbers increased 10% year on year to 914.8 million in 2015. Of those, domestic and regional traffic accounted for 828.9 million and 28 million, up 9% and 2.3%, while international traffic jumped 21.1% to 85.8 million.

Meanwhile, the total cargo & mail traffic volume at Chinese airports grew 3.9% to 14.1 million tonnes. With a year-on-year growth of 3.7%, the domestic cargo & mail traffic volume stood at 9.18 million tonnes. The Hong Kong, Macau, Taiwan routes accounted for 898,000 tonnes, an decline of 0.7% from a year earlier, while international cargo increased 4.4% year on year to 4.91 million.

Aircraft movements registered an 8% yearly growth to 8.57 million in 2015, among which 7.29 million takeoffs and landings were cargo flights, up 6.9% year on year. Aircraft movements on domestic flights increased 7.1% year on year to 7.9 million, while that on international flights and Hong Kong, Macau and Taiwan routes registered at 693,000 and 209,000, up 18.9% and 1.6% respectively over a year earlier.

210 Civil Airports

In 2015, there were altogether 210 civil airports in China, including 26 airports that handled more than 10 million passengers, two more than in 2014. Airports that saw at least 1 million passengers numbered 70, six more than in 2014.

Last year, airports in the main cities of Beijing, Shanghai and Guangzhou accounted for 27.3% of total passenger traffic, the CAAC said.

By region, China's eastern airports accounted for 29.1% of passenger traffic, followed by central southern region (23.7%), southwest region (16.8%), northern region (15.8%), northeast region (6%), northwest (5.9%) and Xinjiang (2.6%).

In terms of cargo, there were 51 airports handling more than 10,000 tonnes of cargo and mail, accounting for 98.4% of total cargo traffic. Airports in the main cities of Beijing, Shanghai and Guangzhou accounted for 50.9% of the total. Geographically, China's eastern airports contributed 41.1% of cargo traffic, followed by central southern region (25.9%), northern region (16.5%), southwest region (9.9%), northeast region (3.5%), northwest (2.3%) and Xinjiang (1.3%).

The total number of certified airport in China accounted to 210, 8 more compared to a year ago, including 206 with scheduled services.

In addition, China's top 10 busiest airports by passenger traffic have handled a total of 457.5 million passengers in 2015, an increase of 8.9 percent from a year earlier's 420 million. Beijing Capital International Airport (PEK) served up to 89.9 million passengers, which remains the busiest airport in China and the second busiest airport in the world in terms of passenger throughput.

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China is served both by numerous major international flights to most countries of the world and a host of domestic regional airlines. At present, there are more than 200 airports in China that travelers can take flight to many cities of China ([city-tours.html](#)), including Beijing, Shanghai, Chengdu, Xian, Guilin, Lhasa, Chongqing, Kunming, Lijiang, Shangri-La, Hangzhou, Huangshan, Shenzhen, Xiamen, Wuhan, Urumqi, Kashgar, Guiyang, Hohhot, Harbin, etc.

The following are the major airports in China frequently used by most travelers. Please check the detailed airport information and know how to get to your destinations.



An aerial night view of an airport terminal. The terminal building has a large, curved, glass-and-metal roof. Several aircraft are parked at gates and on the tarmac. In the foreground, a Garuda Indonesia aircraft is visible. Other aircraft include a Garuda Indonesia plane, a Garuda Indonesia plane, and a Garuda Indonesia plane. The tarmac is illuminated by ground lights, and the sky is dark.

Address: Shunyi District, northeast of Beijing, 32 km from downtown area;

- >> Transfer between Beijing Capital International Airport and Beijing Downtown ([beijing-tours/beijing-transportation.html](#))
- Recommended Beijing Tour Packages ([beijing-tours.html](#))

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IATA Airport Code: PVG; **ICAO Airport Code:** ZSPD

Address: Pudong New District, 30 km from Shanghai downtown area; 52 km from Shanghai Hongqiao Airport

Shanghai Pudong International Airport is one of the three biggest airports in China. It is the main hub for China Eastern Airlines, Shanghai Airlines and China Southern Airlines, and a major international hub for Air China, offering flights to more than 60 domestic destinations and 70 international and regional destinations. It consists of two terminals, Terminal 1 and Terminal 2. From Jan. 2013, it has been offering 72 hours visa free transit for 45 countries. The airport shuttle bus, taxi, maglev train take you running between Pudong Airport and downtown area of Shanghai.

>> Transfer between Shanghai Pudong International Airport and Shanghai Downtown ([shanghai/pudong-international-airport.html](#))
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Shanghai Hongqiao International Airport



IATA Airport Code: SHA; **ICAO Airport Code:** ZSSS

Address: Hongqiao Road, Changning District, Shanghai; 13 km from Shanghai downtown area; 52 km from Shanghai Pudong International Airport

Shanghai Hongqiao International Airport is the main domestic airport serving Shanghai and a hub for China Eastern Airlines, Shanghai Airlines, Juneyao Airlines and Spring Airlines. From Jan. 2013, it has been offering 72 hours visa free transit for 45 countries. It has two terminals – terminal 1 and terminal 2. Terminal 1 is used for Spring Airlines and flights for Japan, South Korea; and Terminal 2 is used for most of the airlines. It is about 20 minutes' transfer between Terminal 1 and Terminal 2.

>> Transfer between Shanghai Hongqiao International Airport and Shanghai Downtown ([shanghai/hongqiao-international-airport.html](#))
- Recommended Shanghai Tour Packages ([shanghai-tours.html](#))

Chengdu Shuangliu International Airport



IATA Airport Code: CTU; **ICAO Airport Code:** ZUUU

Address: Airport North Road, Shuangliu County, Chengdu; 16 km southwest of Chengdu city

Chengdu Shuangliu International Airport is the busiest aviation hub in to Western China and headquarters for Sichuan Airlines and Chengdu Airlines, Chengdu Eastern Airlines, Shenzhen Airlines, Lucky Airlines and Tibet Airlines. There are altogether 241 routes, 78 of which are international routes. From Sept.01, 2013, Chengdu became the city offering 72-hour visa free transit for 45 countries. It has two terminals - Terminal 1 and Terminal 2. Terminal 1 is used for Sichuan Airlines, international flights and flights for Hong Kong, Macau and Taiwan; and Terminal 2 is used for domestic airlines except Sichuan Airlines.

>> Transfer between Chengdu Shuangliu International Airport and Chengdu Downtown (sichuan/chengdu/chengdu-shuangliu-international-airport.html)
Recommended Chengdu Tour Packages (chengdu-tours.html)

Hong Kong International Airport



IATA Airport Code: HKG; **ICAO Airport Code:** VHHH

Address: on the island of Chek Lap Kok, Hong Kong

Hong Kong International Airport, also known as Chek Lap Kok Airport, is the primary hub for Cathay Pacific, Dragon Air, Hong Kong Airlines, and Hong Kong Express Airways. It is a focus city for many airlines, including China Air, China Eastern, China Southern, etc. It is connected to about 180 destinations, including 47 in the mainland, through around 1100 daily flights by more than 100 airlines.

>> Transfer between Hong Kong International Airport and Hong Kong Island (hongkong-tours/transportation.html)
Recommended Hong Kong Tour Packages (hongkong-tours.html)

Xian Xianyang International Airport



IATA Airport Code: XIY; **ICAO Airport Code:** ZLXY

Address: Dizhang County, Weicheng District, Xianyang City; 47 km from Xian downtown area;

Xian Xianyang International Airport is the largest airport in Northwest China and a hub for China Eastern Airlines, China Southern Airlines, Joy Air and Hainan Airlines. It has flights to 68 domestic cities with 155 airlines and 11 international cities with 10 airlines. Within 2.5 hours, travelers can fly to/from Beijing, Shanghai, Chengdu, Chongqing, Guilin, Wuhan, Lanzhou, Xining, Zhengzhou, and more cities. It takes about 3.5 hours flying from Xian to Lhasa. From June 1, 2014, it has been offering 72-hour visa free transit for 51 countries.

>> [How to Get from Xian Xiayang Airport to Xian downtown area \(xian-tours/xian-transportation.html\)](#)

[Recommended Xian Tour Packages \(xian-tours.html\)](#)

Kunming Changshui International Airport



IATA Airport Code: KMG; **ICAO Airport Code:** ZPPP

Address: Changshui Village, Guandu District, Kunming; 25 km from Kunming city center

Kunming Changshui International Airport, national gateway hub airport, is the gateway to Southeast Asia and South Asia. It is the hub for China Eastern Airlines, Kunming Airlines, Lucky Air, Sichuan Airlines, Ruili Airlines, China Air, China Southern Airlines, etc. Flights are conveniently connected Kunming with Lijiang, Dali, Shangri-La, Xishuangbanna, Chengdu, Guilin, Beijing, Shanghai and more domestic cities and international cities, like Bangkok, Kuala Lumpur, Singapore, Seoul and more.

>> [How to Get from Kunming Changshui Airport to Kunming downtown area \(kunming-tours/transportation.html\)](#)

[Recommended Kunming Tour Packages \(kunming-tours.html\)](#)

Guangzhou Baiyun International Airport



IATA Airport Code: CAN; **ICAO Airport Code:** ZGGG

Address: Jichang Road, Baiyun District, Guangzhou;

Guangzhou Baiyun International Airport is the second busiest airport in China. It is main hub of China Southern Airlines and a focus city for Shenzhen Airlines, Hainan Airlines and China Air. Guangzhou Baiyun International Airport has 130 airlines, including 86 domestic airlines and about 50 international and regional airlines. From Aug.01, 2013, it has been offering 72-hour visa free transit for 45 countries.

>> [How to Get from Guangzhou Baiyun Airport to Guangzhou downtown area \(guangzhou-tours/guangzhou-transportation.html\)](#)
Recommended Guangzhou Tour Packages ([guangzhou-tours.html](#))

Shenzhen Bao'an International Airport



IATA Airport Code: SZX; **ICAO Airport Code:** ZGSZ

Address: Bao'an District, Shenzhen; 32 km from Shenzhen city center

Shenzhen Bao'an International Airport is the hub for Shenzhen Airlines and a focus city for China Southern Airlines and Hainan Airlines. At present, there are 107 airlines to about 80 destinations, domestic and international. International and regional destinations include Osaka, Seoul, Kuala Lumpur, Sabah, Bangkok, Singapore, Bali, Phuket Island, Mauritius, Ho Chi Minh, etc. Flights are available for Macau, Taipei, Taichung, and Kaohsiung. There is no direct flight between Shenzhen and Hong Kong.

>> [How to Get from Shenzhen Bao'an Airport to Shenzhen downtown area \(shenzhen-tours/shenzhen-transportation.html\)](#)
Recommended Shenzhen Tour Packages ([shenzhen-tours.html](#))

Hangzhou Xiaoshan International Airport



IATA Airport Code: HGH; **ICAO Airport Code:** ZSHC

Address: Xiaoshan District, Hangzhou; 27 km east of downtown Hangzhou

Hangzhou Xiaoshan International Airport is the hub for Loong Air and Xiamen Airlines and a focus city for China Air, China Southern Airlines, China Eastern Airlines and Hainan Airlines. It has flights to 86 domestic cities, 35 international and regional destinations. From October 21, 2014, 72-hour visa free policy is available to facilitate passport holders of 51 countries and regions when making an international transfer via Hangzhou Xiaoshan Airport. It consists of two terminals – Terminal A and Terminal B. Terminal A is used for international and regional flights while Terminal B is for all of the domestic flights to and from the airport.

>> How to Get from Hangzhou Xiaoshan Airport to Hangzhou downtown area ([hangzhou-tours.html](#))
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Address: Room 307, Unit 3, Building 4, No. 818, Xingshi Road, Wuhou District, Chengdu City, Sichuan Province, 610000, P.R. China

Any questions, please email us at: info@chinadiscovery.com or call us at: +86-28-85223672 / +86-28-85223685.

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China's top 10 cargo airports

- Airports, Asia, E-Commerce, Express, News, Traffic

According to data from the CAAC, total cargo handled (loaded and unloaded freight and mail) by Chinese airports rose 7.2% y-o-y in 2016, to 15.1 million tonnes, more than double the pace of world average growth, which according to preliminary data from the Airports Council International, was 3.3%. The chart at right shows China's top 10 Cargo Airports in 2016, rankings which highlight two trends:

China's Top 10 Cargo Airports in 2016			
Total Cargo Handled (tonnes)			
Rank *	Airport	Tonnes	% Chg
1 (1)	Shanghai (PVG)	3,440,280	5.0%
2 (2)	Beijing (PEK)	1,943,160	2.8%
3 (3)	Guangzhou (CAN)	1,652,215	7.4%
4 (4)	Shenzhen (SZX)	1,125,985	11.1%
5 (5)	Chengdu (CTU)	611,591	9.9%
6 (7)	Hangzhou (HGH)	487,984	14.8%
7 (8)	Zhengzhou (CGO)	403,339	13.2%
8 (6)	Shanghai Hongqiao (SHA)	428,908	-1.1%
9 (9)	Kunming (KMG)	382,854	7.7%
10 (11)	Chongqing (CKG)	361,091	13.3%
Top 20 Total		10,837,407	3.3%
Source: 2016 CAAC Airport throughput ranking			
* Figure in parentheses is 2015 rank			

- First, rapidly growing cargo handles approaching or surpassing double-digits at secondary gateways (outside of PEK, PVG and CAN); a trend which is likely coupled with e-commerce express volumes.
- Second, the increasing cargo activities of airports in central and western China.

Although China's top-three cargo airports saw cargo volumes rise an average of 5.0% y-o-y in 2016, the main hubs of China's homegrown express carriers saw tonnage jump an average of 13.0% y-o-y. However, given the CAAC restricted PEK and PVG from adding new flights for much of the year, the increased tonnage indicates carriers improved their existing capacity utilization and boosted load factors. Shenzhen (SZX), is currently the hub of SF Express Airlines which has the largest freighter fleet of any express carrier in China, saw tonnage rise 11.1%. Similarly, Hangzhou (HGH) the home of fellow express carrier, YTO Express Airlines saw tonnage rise 14.8% y-o-y.

Looking back at 2016, airports in eastern China handled the vast majority of freight and mail loaded and unloaded in the country, some 11.31 million tonnes or 74.9% of the total. Airports in western China handled 15.3% of the tonnage, while airports in the central and northeast and China handled 10% and 6.1% respectively. This is already beginning to change. Tonnage growth was almost unanimously in double-digit territory for the west-central cities of Zhengzhou, Chongqing and Chengdu. Western airports will continue to benefit in the coming years as China's economy increasingly transitions towards a consumption-driven model, which is supported by development initiatives from the Chinese government like "Go-West" and "One Belt, One Road", and as express airlines move their hubs inland to better serve all regions of the country.

Both express airlines will shift much of their network focus to new bases in western and central China over the next five years. SF Express Airlines has announced plans to develop its global air freight hub in Ezhou with the construction of a new airport. YTO Express Airlines meanwhile, is planning to launch a JV airline which will operate out of Xi'an. As express carriers migrate inwards, this will reinforce the trend of rapidly-growing cargo handles at airports in western and central China.

<https://cargofacts.com/chinas-top-10-cargo-airports-in-2016/>

From: John Pritchard [REDACTED]
Sent: 05 April 2019 12:13
To: James Bunten <JAMES.BUNTEN@planninginspectorate.gov.uk>
Subject: Re: Submission for Deadline 5

The portrait of East Kent v 123 11 Feb 2019 is useful but I believe others may have submitted that, too.

The Louise Congdon UK Travel Retail Forum document was added to substantiate a point I made about the nature of her background which I believe she has misrepresented either deliberately or negligently. The actual name of the company is The Duty-Free Confederation, and it would appear that she participated as a representative for a Manchester Airport subsidiary. This document buttresses some of what I said about her background in my submission on Need and Operations.

The other new document that I added was an explanatory note for Deadline 5, Submissions that deals with what the large spreadsheet evidences and why that has significance in relation to the Examination of the Manston Airport Application. This was meant to have been produced in support of OFH3, but as none of the recordings made in the Odd Fellows Hall during OFH3 seem to be downloadable at present, I've had to recast that from notes I had in front of me when I addressed the Panel on that occasion. As I spoke extemporaneously, the notes may include some material that I didn't mention at OFH3. That material, although tied to "Values of Commercial Premises, Rates Assessed and Rates Due across Thanet", are also relevant to things put by Thanet District Council, No Night Flights and the Ramsgate Society during written submissions and oral hearings to Deadline 5. Most importantly of all, it dovetails into observations and requests I made in my Written Submission I made in Rep4-104: in short, this works alongside and does not displace or supersede pages 1-12 and 13-26, 66-67 and 680102 of REP4-104.

All that I've done in focussing upon the business rates issues has been done because the FOI data requires close attention to detail in order to supply what I believe are compelling points on how Manston Airport can affect the business community as well as the wider community as a whole and visitors to Thanet and elsewhere in East Kent. Unless the Examiners can transform that into much stronger information by providing requests to Thanet District Council for further and better particulars on the matters to which I've directed their attention, then what I hope are persuasive arguments (based on reasonable assumptions drawn from policy guidelines applied to hard data to produce indicative outcomes) cannot be said to harden into undeniable statistical evidence of actual charges levied by the local authority that can be resolved right down to every single property, ward, town, village and road in Thanet. I feel completely confident that this, plus a full response on how the airport rates will be affected by the successive stages of infrastructure development at Manston Airport if the Applicant's application is consented, will take us a long way down the road when it comes to determining how much weight to give to the Local Authority's LIR and CA observations. Without the documents I'm seeking to have admitted, I doubt we will come close to achieving that from grassroots submissions made to date.

Cheers,
Dr. R. John Pritchard

Thanet District Council - Business Rates Freedom of Information requests updated 18th December 2011

This spreadsheet contains information regarding the Rateable Value, Exemptions and Reliefs applied (so far as can be ascertained by policies) and the occupied status of accounts at the relevant date

Post Address 1		Post Address 2		Post Address 3		Post Address 4		Post Address 5		Post Code		Property Reference		Property Address 1		Property Address 2		Property Address 3		Property Address 4		Property Address 5		Property Post Code		Liability Status		Void		Exemption Code		Mandatory Code		Discretionary Code		Additional Code		Small Assets Code		Property Description		2017 Rateable Value		2018 Rateable Value		Paid or Due on 1st April 2018		Paid or Due on 1st April 2019		Exempt from Rating		Rampage Establishments		Industrial Premises		CT1 & CT2 Rates Paid or Due on 1st April 2018		CT7 Rates Paid or Due on 1st April 2018		CT10 Rates Paid or Due on 1st April 2018		Checkboxes																																																																																																																																																																																																																																																																																																																																																																																																																																		
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EK SERVICES POLICIES AND PROCEDURES

DISCRETIONARY AND HARDSHIP RELIEF POLICY

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working in the Customer Services, ICT, Benefits, Council Tax and Business Rates sections.

Where 'EK Services' and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council.

Where references are made to 'EK Services Officers' these services are now being delivered by Civica UK Limited. Civica UK Limited provides benefit services, income collection services, council tax and business rates administration and collection services and customer contact services to the Council.

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1.0 Introduction and purpose of policy document

- 1.1 For the purpose of clarity, any reference to 'EK Services' within this document should be taken to mean EK Services working on behalf of participating authorities to deliver the shared priorities and objectives. Any reference to 'we' refers to EK Services.
- 1.2 This power to award discretionary relief for Business Rates and Council Tax has been fully delegated to EK Services and the power is allowed under the following Regulations;
- **Business Rates** – Sections 44A, 47 and 49 of the Local Government Finance Act 1998, Section 69 of the Localism Act 2011.
 - **Council Tax** – Section 13A of the Local Government Finance Act 1992
- 1.3 This policy has been agreed by authorities participating in EK Services to ensure that all customers making application for relief are treated in a fair, consistent and equal manner.
- 1.4 This policy has been written to;
- Set guidelines for the factors that should be considered when making a decision to award or refuse relief;
 - Set out the delegated authority to award relief in appropriate circumstances;
 - Establish an appeals procedure for customers dissatisfied with EK Services decision;
 - Safeguard the interest of the local taxpayers by ensuring that funds that are allocated for the award of relief are used in the most effective and economic way.

2.0 Business Rates – Relief for Charities, Not for Profit Organisations, Community Amateur Sports Clubs (CASC) and Rural properties

2.1 Legal Requirements

- 2.1.1 Section 47 of the Local Government Finance Act 1988 provides the discretion to award relief.
- 2.1.2 Registered Charities and CASC's are entitled to Mandatory Relief of 80%. EK Services has the discretion to award further rate relief of up to 20%, which is commonly referred to as a 'top-up'.
- 2.1.3 Rural properties are entitled to Mandatory Relief of 50% providing the qualifying criteria are met. EK Services has the discretion to award a further rate relief of up to 50%.
- 2.1.4 The award of the 80% mandatory relief to charities and CASC's, and the award of 50% relief for qualifying rural properties are administered in accordance with legislation. This policy explains how the 20% and 50% top-ups are administered.
- 2.1.5 The amount of relief awarded is entirely at the discretion of EK Services.

2.2 Legal Requirements – State Aid

- 2.2.1 European Union competition rules restrict Government subsidies to businesses. Relief from taxes, including business rates, could be considered as state aid.
- 2.2.2 Rate relief for charities and non-profit making bodies is not normally considered state aid because the recipients are not in market competition with other businesses. However, if they are engaged in commercial activities, compete with commercial bodies or have a commercial partner, rate relief could constitute state aid. In such cases it would be unlikely that the customer would be considered for rate relief.

2.3 Financial Impact

- 2.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 13.
- 2.3.4 EK Services aims to spend no more than the budgeted amount. If the budget is likely to be exceeded then EKS staff will discuss this with the clients at the affected Council. It is to be noted that awarding Discretionary Relief on a first come, first served basis i.e. refusing applications once the annual budget is used up, is not permitted. In the event that the annual budget proves to be insufficient, then each Local Authority must either increase the annual budget or re-visit this policy to amend the criteria for granting such relief. The budget will be monitored closely throughout the year and reports on successful and unsuccessful applications will be passed to the Councils monthly. EKS will report to Single Grants Gateway for CCC cases where the award is likely to take them over the annual budget.

2.4 Persons who can make application

- 2.4.1 Applications must be made by the ratepayer.
- 2.4.2 Where the ratepayer is an organisation the application must be made by a person with the authority to act on behalf of the organisation. EK Services may ask for evidence that the person making the application is entitled to act in that capacity.

2.5 The Decision Making Process

- 2.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process.
- 2.5.2 All applications will be considered on an individual basis. Consideration for awarding Discretionary Relief is based on the organisations ability to meet its Business Rate liability. Therefore, copies of the last 3 years audited accounts are to be submitted with the application form. Where audited accounts are not available, financial statements prepared by, or approved by, an appropriate representative shall

be acceptable. For a new organisation 12 months projected cash flow forecast are required.

- 2.5.3 Where an organisation has retained funds, or built up reserves, for a purpose related to the aims and objectives of the organisation, provided that the works are realistically expected to be completed within three years of the date of application, those funds/reserves may be disregarded for the purposes of the award of relief. It is accepted that funds may have to be accrued over many years to fund major projects i.e. replacing an ageing building and consideration to this will be given on an individual basis.
- 2.5.4 Relief is likely to be awarded where it is clear that the activities of the applicant are of direct benefit to the local community and the other criteria mentioned in this policy are met.
- 2.5.5 Relief may be refused or capped if it is considered that the financial cost to each Local Authority or the local community outweighs the benefits generated through the award of relief.
- 2.5.6 Organisations with unallocated reserves or substantial assets (taken to mean 6 months or more of operating costs) will be excluded from qualification if it is determined that those reserves or assets could reasonably be used to provide financial support.
- 2.5.7 To ensure there is a fair and consistent approach to the award of Discretionary Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.
- 2.5.8 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 2.5.9 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given.
- 2.5.10 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.

2.5.11 Where an application has been refused either initially or through an appeal, further applications will not be considered within the same financial year unless;

- The use of the property changes; or
- The objectives of the organisation change; or
- There have been other changes that may affect EK Services' decision i.e. where an organisation has taken action to address an issue which had previously precluded an award of relief

2.5.12 There is no time limit for an organisation to make application for Discretionary Relief. EK Services must determine applications within six months after the end of the financial year (between 1 April and 30 September) for which the application for relief is made, after this time applications are invalid.

2.6 Period of Rate Relief

2.6.1 Discretionary Rate Relief will be awarded for one financial year (From 1 April to 31 March) except in circumstances where consideration is being given to awarding relief for a previous financial year within the qualifying timescales outlined in paragraph 2.5.12.

2.6.2 Customers receiving relief will be contacted and invited to reapply for relief on an annual basis or as specified by EK Services.

2.7 Calculation of relief

2.7.1 Relief will be calculated as a percentage of the Business Rates bill. Should the Business Rates bill reduce within the period Discretionary Rate Relief is granted, the relief will be reduced proportionately.

2.7.2 If the Business Rates bill increase within the period Discretionary Rate Relief is granted i.e. an increase in rateable value, the amount awarded will not automatically be increased. In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

2.8 Authority to process applications and award Relief

2.8.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Value of relief	Position of Authority	Counter Authority
Up to £10,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
£10,001 to £30,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
Over £30,000	Council Tax / Business Rates Officer Revenues Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager
Where relief applied will exceed annual budget	Council Tax / Business Rates Officer to make recommendation & Inc Council Tax Team Leader to approve application (for CCC the Income Manager will make a recommendation via the Client Officer to the SGG Panel)	Income Manager to approve and refer for Executive / Cabinet decision. For CCC the SGG Panel will recommend and refer to the Executive.

2.9 Special Provisions

2.9.1 The full 20% 'top up', discretionary relief may be applied to charity shops and other premises but will normally only be awarded if the charity is a local one, not a national one (a local charity is defined to be one who only operates in the particular Council area or who are part of a national Charity but whose accounts and finances are specific to a local area). If the premises are operated by a national charity that does not exist to wholly or mainly benefit the residents of the local area, then discretionary relief will not normally be awarded to 'top up' the 80% mandatory award.

- 2.9.2 EK Services will consider the contribution and benefit that the charity has to the local community.
- 2.9.3 Charity shops that sell wholly or mainly donated goods may be granted a higher amount of relief than those that sell mainly bought in (new) goods.
- 2.9.4 Discretionary Relief for clubs will not normally be granted if the organisation operates a bar. Membership must be active rather than social membership and wholly or mainly benefit the residents of the local area. Consideration to award relief will only be given if the club is able to fully demonstrate that the bar is not the primary or significant attraction for the majority of the members.
- 2.9.5 Schools with Academy status will not normally be awarded Discretionary Relief to top up the mandatory award.

2.10 Backdating Applications

- 2.10.1 The law allows claims received between 1 April and 30 September in any year to be backdated to 1 April of the previous year. Requests for a backdated award of relief i.e. for the previous year will be dealt with in the same way as applications for the current year.
- 2.10.2 Applications outside of the qualifying period in 2.9.1 will not be backdated beyond 1 April of the year in which it is awarded.

3.0 Business Rates - Relief for properties that are partially unoccupied for a temporary period (Section 44A)

3.1 Legal Requirements

- 3.1.1 Under section 44A of the Local Government Finance Act 1988 a Local Authority has the discretion to allow rate relief where a property is partly occupied for a temporary period.

- 3.1.2 The definition of a 'temporary period' is not prescribed with the law and therefore EK Services, using delegated authority, have discretion to decide the period relief should be awarded.
- 3.1.3 Partially occupied rate relief (also referred to as Section 44A Relief) is not intended to be used where part of a property is temporarily not used. The intention is aimed at situations where there are practical difficulties in occupying or vacating part of the property.

3.2 Financial Impact

- 3.2.1 Following the introduction of the Business Rates Retention scheme 2013/2014 there will be a cost to each Local Authority.
- 3.2.2 EK Services recognises that awarding this relief is beneficial to local businesses, therefore Section 44A Relief will be awarded as set out below in all cases that meet the statutory requirements. Thanet District Council and Canterbury City Council have amended their decisions to award up to £10,000, and will consider other applications in exceptional circumstances. Dover District Council has now amended their decision to award up to £10,000, and will consider other applications in exceptional circumstances.
- 3.2.3 Thanet District Council revised their decision on the 15th February 2015, that any applications received for Thanet Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.
- 3.2.4 Canterbury City Council revised their decision on the 24th April 2015, that any applications received for Canterbury Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.
- 3.2.5 Dover District Council revised their decision on the 19th October 2015, that any applications received for Dover Council, will be considered up to £10,000. Exceptional circumstances will be considered if the RV is over £10,000 by the S151 Officer and the Portfolio Holder for Finance.

3.3 Persons who can make application

- 3.3.1 Applications must be made by the ratepayer.
- 3.3.2 EK Services will require a written application and the ratepayer must supply a plan of the property, with the unoccupied portions clearly identified.

3.4 The decision making process

- 3.4.1 There are no restrictions in the provisions of a Section 44A Relief, regarding the type of property or circumstances in which relief can be awarded, except for the financial conditions that Thanet District Council and Canterbury City Council and Dover Council have now agreed locally to their authority area.
- 3.4.2 Once EK Services has received an application, providing the application meets the qualifying criteria, relief will be awarded, in respect of the above conditions.
- 3.4.3 EK Services will require accompanied access to the property during normal working hours to verify the application. Further access will be required on at least one occasion each month, during normal office hours, during the period for which relief is being awarded.
- 3.4.4 Relief will not be awarded under any circumstance where it is not possible to verify the application.
- 3.4.5 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 3.4.6 EK Services will notify the applicant of the decision in writing and where the relief is refused, an explanation of the reasons why will be given.
- 3.4.7 EK Services will not consider applications where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.

3.4.8 To ensure there is a fair and consistent approach to the award of Section 44a Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

3.5 Period of Section 44A Relief

3.5.1 Section 44A Relief will only be applied to a property that is partly occupied for a temporary period.

3.5.2 Section 44A Relief will end under the following circumstances;

- At the end of a financial year, regardless of the date relief was applied;
- Where all or part of the unoccupied area becomes occupied;
- The person liable for Business Rates changes.

3.5.3 A new application may be submitted immediately by the customer if relief ends for any of the reasons outlined in 3.5.2.

3.6 Calculation of Section 44A Relief

3.6.1 Where EK Services agrees to award a Section 44A Relief, we will notify the Valuation Officer to seek a reduction in the rateable value.

3.6.2 The amount of relief is calculated on a statutory basis based on the rateable value of the empty portion of the property. The appropriate rateable value is provided to EK Services by the Valuation Office Agency. The amount awarded by Thanet District Council, Canterbury City Council and Dover District Council will not exceed £10,000 as detailed above.

3.7 Authority to Award Section 44A Relief

3.7.1 In the interests of efficiency, the authority to consider applications is delegated to EK Services' Business Rates Officers, other than the applications that are above £10K

for Thanet District Council, Canterbury City Council and Dover District Council which will now be considered by the S151 and the Portfolio Holder for Finance.

3.8 Backdating Section 44A Applications

- 3.8.1 Where a backdated application is received, the customer will be required to produce evidence to prove the area was unoccupied for the period the relief relates to. Acceptance of such evidence is at the discretion of EK Services.

4.0 Business Rates - Hardship Relief

4.1 Legal Requirements

- 4.1.1 Section 49 of the Local Government Finance Act 1988 provides a Local Authority with the discretion to reduce or remit payment of rates under the grounds of hardship.
- 4.1.2 EK Services, using delegated authority, can reduce or remit the payment of rates where it is satisfied that the customer would sustain hardship if we did not do so and that it is reasonable award relief, having taken into account the interests of the Council Tax payers.
- 4.1.3 There is no statutory definition of 'hardship' and it is for EK Services to decide on the facts of each case as to whether to exercise our discretion. EK Services may adopt rules for the consideration of hardship but are unable to adopt a blanket policy and each case will be considered individually.
- 4.1.4 It is the Governments guidance that remission of Business Rates on the grounds of hardship is the exception rather than the rule.

4.2 Legal Requirements – State Aid

- 4.2.1 European Union competition rules restrict Government subsidies to businesses. Relief from taxes, including business rates, could be considered as state aid.

- 4.2.2 Hardship Relief for customers engaged in commercial activities, which compete with commercial bodies or have a commercial partner, could constitute state aid. In such cases it would be unlikely that the customer would be considered for Hardship Relief.

4.3 Financial Impact

- 4.3.1 The funding arrangements for relief changed when the Business Rates retention scheme was introduced in April 13. Relief awarded is now funded by the Government, local Council and County Council.

4.4 Persons who can make application

- 4.4.1 Applications must be made in writing by the ratepayer or their agent.
- 4.4.2 Applications for hardship relief must be accompanied by the following;
- The most recent accounts and the last audited accounts; and
 - An up to date trading statement showing the current financial position of the business; and
 - Details of the amount of relief being requested and the period of time it is being requested for; and
 - An explanation of the benefits to the community arising from an award of hardship relief.

4.5 The Decision Making Process

- 4.5.1 Although there is no statutory necessity to complete a formal application form, it is recommended that a form be completed, as it will form a checklist of criteria to be met or questions to be answered. This will assist in speeding up the application process.
- 4.5.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. The following examples indicate circumstances where it may be appropriate to award Hardship Relief. They are included in this policy in the form of broad, general guidelines and are not intended to be prescriptive;

- The customer will suffer hardship if the relief is not granted;
- There is a direct benefit to the ratepayer or the community or no adverse impact to other ratepayers or the community as a result of awarding relief;
- The cost to local Council Tax payers is proportional to the benefits of the community;
- The ratepayer's business has been detrimentally affected by circumstances beyond the ratepayers control and that do not constitute part of the normal risks in running a business i.e. a natural disaster or an unusual or uncontrollable event in the neighbourhood of the business
- By refusing to award the relief may result in the loss of the business. The impact on local amenities must be considered if the business is the sole provider of a service in the local area i.e. the only village shop;
- By refusing to award the relief may result in the loss of the business. The impact on employment prospects in the local area must be considered i.e. if the closure results in a large number of redundancies, the social aspect of increasing unemployment and the possible negative impact in attracting further investment in the area must be considered;

4.5.3 EK Services will only grant Hardship Relief for a period where there is clear evidence of hardship for the ratepayer concerned. This will ordinarily be for short period of time and not on an ongoing basis.

4.5.4 Hardship Rate Relief may not be awarded if there are alternative facilities within the area or if the business is situated in an area with adequate public transport links to alternative businesses. The granting of relief should be in the interests of the community as a whole although the legislative "test" is that the business itself has to be suffering from "hardship". If the decision is that it is not in the interests of the community as a whole to grant Hardship Relief, then the decision will be final with no rights to appeal.

4.5.5 EK Services will also consider applications from new businesses as well as established businesses. We recognise that a new business could also be the sole provider of a service in our local area who contributes to the health and quality of life of the Council Tax payers generally.

- 4.5.6 EK Services recognises that there may be occasional circumstances in which the use of this power is beneficial to either an individual ratepayer or the community. However, in accordance with Government guidelines it accepts that this power should be used sparingly and only in the most exceptional of circumstances.
- 4.5.7 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application.
- 4.5.8 EK Services will notify the applicant of the decision in writing and where less than the maximum amount of relief is granted or the relief is refused, an explanation of the reasons why will be given.
- 4.5.9 EK Services will not consider applications on the grounds of hardship where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 4.5.10 To ensure there is a fair and consistent approach to the award of Hardship Relief, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

4.6 Period of Hardship Relief

- 4.6.1 EK Services will normally only award Hardship Relief retrospectively. However, where the applicant can show that the circumstances will remain the same for a period up to the end of the current financial year, relief may be award for the remainder of the year.
- 4.6.2 In all cases Hardship Relief will end in the following circumstances;
- At the end of a financial year;
 - A change of liable person;
 - The property becomes empty or unoccupied;
 - The customer enters any form of Insolvency proceedings;
 - The customer's financial circumstances change. The customer must inform EK Services if their circumstances change.

4.7 Calculation of Hardship Relief

- 4.7.1 Hardship Relief will be calculated as a percentage of the Business Rates bill.
Should the Business Rates bill reduce within the period Hardship Rate Relief is granted, the relief will be reduced proportionately.
- 4.7.2 If the Business Rates bill increase within the period Hardship Relief is granted, i.e. an increase in rateable value, the amount awarded will not automatically be increased.
In such cases, EK Services, upon request of the customer, will reconsider the application and may award additional relief.

4.8 Authority to process applications and award relief

- 4.8.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Value of award	Position of Authority	Counter Authority
Up to £10,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
£10,001 to £30,000	Council Tax / Business Rates Officer	Senior Council Tax Officer
Over £30,000	Council Tax / Business Rates Officer Revenues Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager
Where relief applied will exceed annual budget	Council Tax / Business Rates Officer to make recommendation & Council Tax Team Leader to approve application	Income Manager to approve and refer for Executive / Cabinet decision.

4.9 Backdating Applications

- 4.9.1 The law allows claims received between 1 April and 30 September in any year to be backdated to 1 April of the previous year. Customers requesting hardship relief to be backdated i.e. for the previous year will be dealt with in the same way as applications for the current year.
- 4.9.2 Applications outside of the qualifying period in 4.9.1 will not be backdated beyond 1 April of the year in which it is awarded.

5.0 Local Business Rates discounts

Section 69 of the Localism Act 2011 amends section 47 of the Local Government Finance Act 1988 to replace the limited circumstances in which local authorities can currently give discretionary relief with a power to grant relief in any circumstances. This is subject to the condition that, except in the limited circumstances specified, the local authority may only grant relief if it would be reasonable to do so having regard to the interests of council tax payers in its area. The amendments also require a local authority to have regard to any relevant guidance issued by the Secretary of State.

Periodically, the Government will ask local authorities to consider exercising their powers under the Localism Act for exceptional circumstances (for example the 2014 flooding which affected some businesses and is covered by a separate financial grant from Government). Where this happens EK Services will have due regard to the relevant guidance issued by the Secretary of State and award this relief as appropriate.

This new power was introduced in December 2011 and enacted from 1 April 2012. The Government has not issued guidance in respect of English local authorities but councils do have to ensure that the reliefs they allow do not transgress state aid rules. Any relief granted will have to be funded locally and the Government expects local councils to work closely with the county council on the use of the power.

5.1 Retail relief scheme

The Government announced in the Autumn Statement on 5 December 2013 that it will provide a relief of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16.

The Government have not introduced legislation to cover these reliefs. Instead Councils are instructed to use their discretionary relief powers, introduced by the Localism Act (under section 47 of the LGFA 1988) to grant relief. Central Government will fully reimburse local authorities for the local share of the discretionary relief.

Full details of which businesses qualify for this relief for 2014/15 and 2015/16 are contained in Appendix I

EK Services will award this relief automatically to all businesses who clearly fall into one of the approved “business types” outlined in Appendix I for the financial years 2014/15 and 2015/16. Those that cannot be easily identified will be contacted for further information and the relief awarded as appropriate. EK Services reserves the right to make decisions on awards for businesses that do not readily fall into the Government categories on a “best match” basis.

5.2 Business Rates – Enterprise Zone relief

The Non-Domestic Rating Contributions (England) (Amendment) Regulations 2012 allow local authorities to fund a 100% business rates discount for up to 5 years for businesses that move into Enterprise Zones before April 2015. The discount is awarded using Section 47 Local Government Finance Act 1988 powers and is a matter for the local authority. The total level of discount awarded is subject to state aid de minimis limits.

There is only one Enterprise Zone in East Kent – the Discovery Park in Sandwich. All businesses that are situated within the official zone boundary are eligible to receive the discount regardless of the type of business and regardless of whether the accommodation is occupied or not. Relief awarded to companies that exist in name only and who do not physically occupy the relevant property will be discussed with the Council first and approval received prior to awarding the relief.

5.3 Business Rates – Re-occupation relief

50% relief awarded for 18 months to occupied property that:

- When previously in use was used for retail use.
- Had been empty for 12 months or more before re-occupation.
- Becomes re-occupied for any use between 01.04.14 to 31.03.16
- Is being used for any use except:
 - Betting shops
 - Payday loan shops
 - Pawn brokers

EK Services will always look at each application for relief individually and decide whether the property is wholly occupied and bona fide within the spirit of the guidance.

Relief will not be granted where it is believed that the occupation of the property/business is contrived so as to mitigate the impact of empty property charges. Examples of this may be where businesses have just installed Bluetooth transmitting equipment or insubstantial amounts of boxes etc. for storage purposes.

6.0 Council Tax - Reduction in Council Tax Liability (Section 13A)

6.1 Legal Requirements

- 6.1.1 Section 13A(1)(c) of the Local Government Finance Act 1992 inserted by Section 76 of the Local Government Act 2003 provides a local authority with the discretion to reduce Council Tax.
- 6.1.2 EK Services, under delegated authority, can further reduce the payment of Council Tax where it is satisfied that the customer is liable to pay Council Tax.
- 6.1.3 EK Services has the discretion to choose whether to reduce Council Tax on a case by case basis or to specify a class of use. A class of use is where several people who pay Council Tax fall into a group because their circumstances are similar i.e. customers who have had to leave their homes due to flooding.

- 6.1.4 Applications will only be granted in exceptional circumstances and where other eligible discounts, reliefs and exemptions have been considered. EK Services will give consideration to reducing Council Tax liability for any customer within the local area.
- 6.1.5 For taxpayers within the Canterbury City Council boundary special provision has been made under this legislation to award a local discount if the following criteria apply:
- a) A property has been empty and substantially unfurnished for 2 years or more; and is subject to the “long term empty premium”
 - b) The property itself is “sheltered” housing – the definition of which is a privately owned property which is designed and occupied exclusively by people aged over 60; and
 - c) The property is currently empty due to the long term illness or death of the taxpayer and is for sale at market value

The amount of local discount granted in these circumstances is limited to the value of the additional 50% long term empty premium which would normally apply

- 6.1.6 There is a separate policy and set of rules for Council Tax Reductions under the published Council Tax Reduction Scheme which replaced Council Tax Benefit and these are not covered by this policy.

6.2 Financial Impact

- 6.2.1 The cost of any reduction awarded under Section 13A(1)(c) must be met by each Local Authority.

6.3 Persons who can make application

- 6.3.1 Application for reduction of Council Tax liability can be made by the Council Tax payer, an appointee or an authorised third party acting on the customer’s behalf.
- 6.3.2 Applications must be made in writing and be accompanied by the following;

- The circumstances for which the reduction is being requested including any hardship or personal circumstances relating to the application;
- A full income and expenditure breakdown for the applicant and all other persons residing in the property;
- Details of the amount of reduction being requested and the period of time it is being requested for;

6.3.3 EK Services may request evidence that is relevant to the application. No costs will be borne by EK Services in the provision of this evidence.

6.4 The decision making process

6.4.1 There is no statutory necessity to complete a formal application form.

6.4.2 All applications will be considered on an individual basis and decisions will be made in accordance with this policy. EK Services will consider the following before awarding any reduction;

- The customer must demonstrate in their application that they have taken all reasonable steps to resolve their own situation prior to making application;
- Whether there is an entitlement to Council Tax Support under the Council Tax Reduction Scheme;
- All other discounts./reliefs have been awarded to the customer where there is entitlement;
- Where appropriate, any entitlement to Discretionary Housing Payments;
- The customer does not have access to other assets that could be used to pay the Council Tax;
- Where the criteria applying only to Canterbury City Council “sheltered housing” residents applies then the discount will normally be awarded.
- The financial circumstances of the customer at the time the Council Tax charge or arrears accrued;
- If the customers Council Tax account is in arrears for previous financial years, EK Services must be satisfied that non-payment was not due to refusing to make payment or not prioritising the payment of Council Tax.

- 6.4.3 There must be clear evidence of hardship or personal circumstance that justifies a reduction in Council Tax liability. This will ordinarily be for a short period of time and not on an ongoing basis.
- 6.4.4 EK Services will consider applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in processing the application
- 6.4.5 EK Services will notify the applicant of the decision in writing and where less than the maximum reduction amount or the reduction is refused, an explanation of the reasons why will be given.
- 6.4.6 EK Services will not consider applications to reduce Council Tax liability where the customer has failed to provide information within the timescales provided to them and will notify the customer in writing that the application has been refused.
- 6.4.7 To ensure there is a fair and consistent approach to the award of Section 13A(1)(c) reduction, all applications will be considered within the guidelines of this policy and a written record will be kept on file of the decisions and factors considered in the process. The decision will be available free of charge to the applicant on request.

6.5 Period of Section 13(A)(1)(c) reduction

- 6.5.1 EK Services will normally only award Section 13A(1)(c) reduction retrospectively. However, where the applicant can show that the circumstances will remain the same for a period up to the end of the current financial year, a reduction may be awarded for the remainder of the year.
- 6.5.2 In all cases a Section 13A(1)(c) reduction will end in the following circumstances;
- At the end of a financial year;
 - A change of liable person;
 - The property becomes empty or unoccupied;
 - The customer enters any form of Insolvency proceedings;
 - The customer's financial circumstances change. The customer must inform EK Services if their circumstances change.

In the case of the discount awarded to Canterbury City Council “sheltered housing” taxpayers the reduction will continue all the time the 50% long term empty premium is still being charged and will end automatically if the premium ends.

6.6 Calculation of 13A(1)(c) Reduction

- 6.6.1 EK Services will not set percentage discounts or reductions to be applied, as each individual case will have different circumstances. The amount of remission or reduction awarded will take into account the level of arrears or Council Tax charge and the extent to which the criteria or guidelines are met.
- 6.6.2 Should the Council Tax bill reduce within the period that Section 13A(1)(c) reduction has been applied; the reduction will be reduced proportionately. If the Council Tax bill increases within the period the reduction is applied, i.e. discount is removed, the amount of relief awarded will not automatically increase. In such cases, EK Services, upon request of the customer, will reconsider the application and may award an additional reduction.

In the case of the discount awarded to Canterbury City Council “sheltered housing” taxpayers the reduction will be to the same financial value as the extra 50% premium added by the “long term empty property premium”

6.7 Authority to process applications and award Section 13A(1)(c) relief

- 6.7.1 In the interests of efficiency, the authority to consider applications is delegated as set out below;

Thresholds – Annual Cost to EK Services	Position of Authority	Counter Authority
Up to £2,000 *	Council Tax Officer	Senior Council Tax Officer
£2,001 to £6,000	Senior Council Tax Officer	Council Tax Team Leader

Over £6,000	Council Tax Team leader to make recommendation	Income Manager
Where relief applied will exceed annual budget	Council Tax Team Leader to make recommendation	Income Manager to approve and refer for Cabinet decision.

* In the case of applications from Canterbury City Council “sheltered housing” taxpayers all decisions will be made by the Council Tax Team Leader or more senior officer regardless of the financial value involved.

6.8 Backdating Applications

- 6.8.1 Customers requesting Section 13A(1)(c) reduction to be backdated i.e. for the previous year will be dealt with in the same way as applications for the current year.

6.9 Fraudulent claims

- 6.9.1 If a reduction has been made as a result of a false or fraudulent claim EK Services reserves the right to withdraw the award granted.
- 6.9.2 EK Services will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence to support their application.

7.0 Council Tax and Business Rates Discretionary Relief - Right of Appeal

7.1 Overview

- 7.1.1 There is no statutory right of appeal against a decision regarding discretionary relief made by EK Services. However, EK Services recognises that customers should be entitled to have a decision reviewed objectively, if they are dissatisfied with the outcome.

- 7.1.2 EK Services will give consideration to all appeals in accordance with this policy and agrees to abide by the following appeals process. Aggrieved customers should make an appeal in accordance with the process.
- 7.1.3 Customers will be notified of the appeals process by EK Services in writing at the time that they are notified of the outcome of their request for discretionary relief.
- 7.1.4 Appeals against decisions to award discretionary relief will not be considered by the same Officers administering the application for relief and will normally be considered by a Senior Council Tax Officer or the Business Rates Team Leader.
- 7.1.5 Decisions made after the appeals process has been followed will be final. Submitting an appeal does not affect the appellant's legal rights to challenge a decision made by the Council through the Judicial Review process

7.2 Persons that can appeal

- 7.2.1 Appeals may only be made by the original applicant. An appellant may appoint a third party to act on their behalf and in such cases EK Services will require written authorisation from the appellant.
- 7.2.2 Customers may appeal against the decision to award or not award relief or against the level of relief awarded. An appeal must be made within four weeks of the issue of the letter notifying them of EK Services' decision.
- 7.2.3 Any appeals received outside of the 4 week period will only be considered if EK Services are satisfied that exceptional circumstances led to the delay in submitting the appeal.

7.3 Applications for appeal

- 7.3.1 Appeals must be in writing and include the following;
- The reasons why it is believed the decision should be amended;
 - Any new or additional information relevant to the decision making process.

7.3.2 The appellant does not have a right to appear in person but may make a request to present evidence in person. Such requests will be considered at the discretion of EK Services, as appropriate.

7.3.3 EK Services can request a meeting with the customer to hear evidence in person.

7.4 Notification of the final decision following appeal

7.4.1 EK Services will consider appeal applications within 21 days of the application and all supporting information being received and will notify the customer should there be a delay in the consideration of the appeal.

7.4.2 EK Services will notify the applicant of the final decision in writing within the 21 days period and whether an appeal is refused or accepted, a full explanation of the decision making process will be given. A written record will be kept on file of the decisions and factors considered in the process.

7.4.3 For Business Rates, both Discretionary Relief and Hardship Relief is the subject of separate applications. Should an EK Services Officer decide to reject the appeal in respect of Discretionary Relief they cannot offer Hardship Relief as an alternative. However, the applicant can be invited to make a separate application.

7.5 Discontinuation of Applications or Appeals

7.5.1 If EK Services have requested further evidence from the customer and this has not been received within the specified time given, the appeal will not be considered.

7.5.2 Customers will be advised in writing the reason why their application has been discontinued.

7.6 Cancellation of relief

7.6.1 Relief will be cancelled if;

- The applicant ceases to be the ratepayer or taxpayer;
- The property becomes empty or becomes occupied, or all or part of the unoccupied area becomes occupied;

- The use of the property changes;
- The aims or objectives of the ratepayer / taxpayer change;
- The financial circumstances for a customer changes.

7.6.2 Where relief is cancelled for any of the reasons above, a new application may be made by customers straight away.

8.0 Action to recover unpaid Business Rates or Council Tax whilst a decision is pending

- 8.1 Once an application for discretionary relief is received, no action will be taken to recover any unpaid Business Rates or Council Tax until after the decision has been notified to the customer.
- 8.2 In the case where the customer has been notified of a decision and they exercise their rights to appeal, payment cannot be withheld pending an appeal decision. In the event that an appeal is successful, any overpayment will be refunded.
- 8.3 For circumstances where an application is being discontinued, recovery action will commence after the ratepayer has been notified of the discontinuation in writing.

9.0 Promotion of the availability of relief

- 9.1 EK Services will proactively promote the availability of discretionary relief, in the following ways;
- All Business Rates and Council Tax Bills will have include accompanying information explaining the availability of relief;
 - EK Services Officers who deal with enquiries from customers will be trained in all aspects of this policy and will actively promote the availability of relief when responding to customers enquiries;
 - EK Services will work in partnership with other organisations to promote the availability of relief;
 - Information regarding the availability of relief's will be published on our web site;
 - A copy of this policy will be placed on our website and printed copies will be made available to ratepayers and other stakeholders on request.

10.0 Equalities Statement

EK Services are committed to delivering a service that is accessible and fair to all of the communities that we serve. We will ensure that all people are treated with respect and dignity.

The Equality Act 2010 sets us an “Equality Duty” to:

1. eliminate discrimination, harassment and victimisation;
2. promote equality of opportunity between different groups in the community; and
3. foster good relations within the local community

We give careful consideration to equality issues in our new and existing policies, strategies and services to see what effect they will have on different groups within our communities, including those with protected characteristics.

The protected characteristics covered by the Equality Duty are:

- age;
- disability;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- gender reassignment;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex (gender);
- sexual orientation.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

We identify potential consequences for these groups and ensure any negative impacts are eliminated or reduced. We also identify opportunities to eliminate discrimination and promote positive relations between groups and throughout our communities.

11.0 Policy Review

This policy will be reviewed on an annual basis, or where significant legislation changes in order to ensure it remains valid, effective and relevant.

Appendix I

Retail relief scheme – qualifying properties

Properties that will benefit from the relief will be occupied hereditaments with a rateable value of £50,000 or less, that are wholly or mainly being used as shops, restaurants, cafes and drinking establishments.

We consider shops, restaurants, cafes and drinking establishments to mean:

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc.)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/ caravan show rooms
- Second hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

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

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc.)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- DVD/ video rentals
- Tool hire
- Car hire

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

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs/Bars

To qualify for the relief the hereditament should be wholly or mainly being used as a shop, restaurant, cafe or drinking establishment. In a similar way to other reliefs (such as charity relief), 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.

The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that government considers for this purpose to be retail. 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.

Retail relief scheme – non qualifying properties

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

- Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting office

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



COMPANIES HOUSE

Please complete in typescript,
or in bold black capitals.

288a

Appointment of director or secretary

Company Number

02215958

Company Name in full

THE DUTY-FREE CONFEDERATION



F288A018

Date of appointment Day Month Year
04 09 96

†Date of Birth Day Month Year

Appointment form

Notes on completion
appear on reverse.

Appointment as director



as secretary



Please mark the appropriate box. If appointment is
as a director and secretary mark both boxes.

NAME

*Style / Title

MS.

*Honours etc

Forename(s)

LOUISE

Surname

CONGDON

Previous
Forename(s)

Previous
Surname(s)

Usual residential
address

Post town

Postcode

County / Region

Country

†Nationality

†Business occupation

AIRPORT MANAGER

†Other directorships
(additional space overleaf)

I consent to act as ** director / secretary of the above named company

Consent signature

Date

23.7.96

* Voluntary details.

† Directors only.

A director, secretary etc must sign the form below.

Signed

Date

12/9/96.

** Please delete as appropriate

(**a director / secretary / administrator / administrative receiver / receiver manager / receiver)

Please give the name, address,
telephone number and, if available,
a DX number and Exchange of
the person Companies House should
contact if there is any query.

MR BARRY GODDARD, SECRETARY GENERAL

THE DUTY-FREE CONFEDERATION

Tel

DX number

DX exchange



A35 *A600TOXI* 31
COMPANIES HOUSE 13/09/96

When you have completed and signed the form please send it to the
Registrar of Companies at:

Companies House, Crown Way, Cardiff, CF4 3UZ DX 33050 Cardiff
for companies registered in England and Wales or

Companies House, 37 Castle Terrace, Edinburgh, EH1 2EB

for companies registered in Scotland

DX 235 Edinburgh

Company Number

† Directors only.

† Other directorships

NOTES

Show the full forenames, NOT INITIALS. If the director or secretary is a corporation or Scottish firm, show the name on surname line and registered or principal office on the usual residential line.

Give previous forenames or surname(s) except:

- for a married woman, the name by which she was known before marriage need not be given.
- for names not used since the age of 18 or for at least 20 years

A peer or individual known by a title may state the title instead of or in addition to the forenames and surname and need not give the name by which that person was known before he or she adopted the title or preceded to it.

Other directorships.

Give the name of every company incorporated in Great Britain of which the person concerned is a director or has been a director at any time in the past five years.

You may exclude a company which either is, or at all times during the past five years when the person concerned was a director, was

- dormant
- a parent company which wholly owned the company making the return, or
- another wholly owned subsidiary of the same parent company.



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19 / 03 / 2019



Tom Crabtree

Freighter aircraft will continue to play an important role in air cargo supply chains, despite the growth in big bellied passenger aircraft fleets, and will maintain a 50-50 market share versus below deck cargo.

Tom Crabtree, regional director, Boeing Commercial Airplanes market analysis-air cargo, told an audience at IATA's World Cargo Symposium in Singapore: "Freighters will remain the backbone of the world air cargo industry. Passenger lower-hold capacity, while plentiful, is not sufficient to meet air cargo traffic demand."

In his presentation, Crabtree said: "Most passenger belly capacity does not serve key cargo trade routes, while twin-aisle passenger schedules often do not meet shipper timing needs and freight forwarders prefer palletised capacity, which is not available on single-aisle aircraft."

“Passenger bellies cannot serve the hazardous material and project cargo sectors, while payload-range considerations on passenger airplanes may limit cargo-carriage.”

Crabtree said that analysis of the global trade regime suffered from a lack of data, but Boeing has invested in a number of consultancies, including the London-based maritime specialists Clarksons which estimates that the maritime sector transports 12bn tonnes of freight every year, of which only about 1.9bn tonnes is put on containerships.

Citing over-enthusiastic reporting of the threat to air cargo from boxships, Crabtree said: "There is this big bogeyman of the containership that was going to take all of our cargo traffic, not only on freighters but also passenger bellies."

"If you were to read the trade press you would believe that these containerships were made with a mythical material called Unobtainium and that they were so incredibly fast and you could waterski behind them.

"Nothing could be further from the truth, and we have been studying the containership industry as much as we have been studying the air cargo industry, so we really understand that this is a niche industry on many different levels."

Part of its research efforts has seen Boeing revise the oft quoted figure that air cargo accounts for 1% of transported global freight tonnages, with Crabtree saying that it is "much less than 1%" while agreeing with the consensus that more than one-third of freight by value goes by air.

He told the audience: "Freighters are vital, and I cannot ever emphasise this enough, they are vital to the functioning of the air cargo industry."

He said that airlines operating freighters generated nearly 90% of industry revenues in air cargo. He used 2017 statistics that split the \$100.2bn in total airfreight revenues into four sectors: express carriers at \$42.9bn, combination carriers at \$36.3bn, all-cargo operators at \$9.1bn and passenger bellies-only at \$11.9bn.

"If you want to make money in the airfreight industry, freighters are required for roughly three of the four major business models."

Crabtree observed that the world average air cargo yield is just under \$2 per kg currently, compared with an equivalent yielding per passenger at between \$4 and \$10 per kg: "You have really got to manage costs when it comes to airfreight because the yield regime is that much harder to make money."

Crabtree said that air cargo "first and foremost" is an industrial tool used to move traffic between factories around the world, while acknowledging the important role played by business and consumer goods such as apparel, perishables, pharma

"Those are a component of air cargo traffic, but the bread-and-butter of the airfreight industry is industrial movement from one factory to another."

Boeing, after amassing individual data from 800 carriers, believes that the growth in the air cargo market will be between 3.8% and 4% this year, so slightly ahead of the IATA prediction of 3.5%.

Crabtree, citing IATA Cargo Intelligence Solutions data, said that air cargo yields – all-in air cargo rate, USD/kilogram (general freight only) – are up 22% since 2016, adding: “This is a much more profitable sector but it was just three or four years ago.”

And after what Crabtree described as the “great stagnation” between 2011 and 2013, in the five years since then the average annual growth rate for air cargo has been around 5%. Over the next 20 years, Boeing currently foresees an average growth rate of 4.2%.

And while the Transpacific and Asia-Europe markets will remain the number one and two over that 20 year period, the rapidly-growing Intra-East Asia will jump from fifth to third place because road and rail transport are not option, leaving just boxships or airfreight.

"This is a gigantic market and [although] the yields can be quite challenging, there is a lot opportunity out there."

Crabtree said that of the 22,000 aircraft in operation as of year-end 2018, less than 18% are widebodied, while freighters comprise 7.6% of the world commercial jet transport fleet.

The up-gauging of freighter fleet size continues, although the expansion of single aisle passenger aircraft continues to outpace the more freight-friendly medium and large twin aisle fleet.

Of the estimated 2,650 freighters that will enter the global fleet by 2037, just under 1,000 will be new, production line aircraft, with some 1,670 being passenger to freighter conversions.

Crabtree also made the point that “not all cargo capacity is created equal,” explaining that while the Boeing 777X passenger jet can carry eight pallets in the lower hold – “like having a Boeing 737 freighter attached” – typical load factors are around 40% to 50%.

He added: "So yes, you can carry a lot of cargo, but there is insufficient capacity to some key gateways where cargo is keenly in demand, many of which are right here in Asia: Hong Kong, Shanghai, Singapore, Narita, Incheon and Bangkok, to name a handful.

"My point is this that both Airbus and Boeing are building very capable twin aisle aircraft, but we are also seeing a lot of further-flying and when you start to fly longer distances you going to see less opportunity for cargo. Hence more demand for freighters."

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Oh joy! China plans to build 136 new airports by 2025

by [Kenneth Tan](#) — May 5, 2018 in [News](#)

While sometimes it can seem as if all China is building is [new railway lines](#), that’s not entirely true. They’re also building airports.

By 2025, China hopes to add 136 new civil airports, according to a [plan](#) from the National Development and Reform Commission and the Civil Aviation Administration of China.

At the end of 2015, China already had 207 civil airports, which they hope to increase to 260 by 2020. China began a major airport construction boom back in 2008, as a way of fighting off the global financial crisis through massive infrastructure spending.

EK SERVICES POLICIES AND PROCEDURES

POLICY FOR THE GRANTING OF DISCRETIONARY BUSINESS RATES RELIEF, SUPPORTING SMALL BUSINESSES RELIEF AND PUB RELIEF

Canterbury City Council, Dover District Council and Thanet District Council have entered into a shared service agreement to allow joint working and make savings in the Benefits, Council Tax and Business Rates sections.

Where 'EK Services' and 'EKS' are mentioned this refers to the shared service between Canterbury City Council, Dover District Council and Thanet District Council.

Where references are made to 'EK Services Officers' these services are now being delivered by Civica UK Limited. Civica UK Limited provides benefit services, income collection services, council tax and business rates administration and collection services and customer contact services to the Council.

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Partnership Councils' area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires each Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where a Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where a Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the all Councils are obliged to grant relief to premises, which fall within the mandatory category, the Partnership Councils also have powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
 - Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme;
 - The EK Service's general policy for granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs;
 - European Union requirements including provisions for State Aid; and
 - The Partnership Councils' Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1st April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

2.0 Discretionary Relief - Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to EK Services. EK Services will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded .
- 2.5 EK Services is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by EK Services, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
 - a. Discretionary Relief - Charities who already receive mandatory relief;
 - b. Discretionary Relief - Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts or premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - c. Discretionary Relief - Granted under the Localism Act 2011 provisions;
 - d. Local Newspaper Relief (from 1st April 2017 for a period of two years);
 - e. Local Public House Relief (from April 2017 for a one year period);
 - f. Supporting Small Businesses Relief (from 1st April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and

- g. Discretionary Business Rates Relief Scheme (from 1st April 2017 for a period of up to four years).
- 2.7 This policy document purely covers the granting of awards under e., f., and g. above. The decision to grant or not to grant discretionary relief is a matter purely for each Council. The EK Services policy for granting other reliefs can be found on the each of the partnership Councils' websites.

EK Services' general approach to granting Discretionary Relief

- 2.8 In deciding which organisations should receive discretionary rate relief, EK Services has considered the following factors and priorities:
 - a. That any award should support business, organisations and groups that help to retain services in any partnership Councils' area and not compete directly with existing businesses in an unfair manner;
 - b. It should help and encourage business, organisations, groups and communities to become self-reliant;
 - c. Awarding discretionary relief should not distort competition or significantly change the provision of services within any of EK Services' areas;
 - d. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the partnership with clear evidence of all financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
 - e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of each Council, which, without granting discretionary relief they would be unable to do;
 - f. To assist each Council in delivering services which could not be provided otherwise;
 - g. To enable each Council to determine the level of rate change in comparison with the organisation's financial situation; and
 - h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it.
- 2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The EK Services' approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance if often provided. EK Services are keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, EK Services reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to each Council using a particular methodology, but it has been keen to point out that this should have no bearing on the actual scheme adopted.

3.0 Effect on the Partnership Councils' Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to each Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Councils' baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by each Partnership Council and 10% by Kent County Council This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to each Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid.
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies .
- 3.7 The funding is not provided equally over the four-year period but in the following approximate proportions:
- | | |
|------------------|-----|
| Year 1 (2017/18) | 58% |
| Year 2 (2018/19) | 28% |
| Year 3 (2019/20) | 12% |
| Year 4 (2020/21) | 2% |
- 3.8 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government has stated that any underspend cannot be 'vired' from one year to the next.

3.9 Key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.

3.10 The financial effects to each Council of the Discretionary Business Rates Relief Scheme are shown in the following table

Council Amount of discretionary fund awarded (£000s)

	2017-18	2018-19	2019-20	2020-21
Canterbury City Council	425	206	85	12
Dover District Council	232	113	46	7
Thanet District Council	330	160	66	9

3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by each Council, 10% by Kent County Council and 50% by Central Government.

4.0 Discretionary Relief - EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. Any Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/20 13)¹. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 4.4 Where the relief to any one business is greater than the De Minim is level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide EK Services with sufficient information to determine whether these provisions are applicable in their case.

5.0 Administration of Discretionary Relief - General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation 2

Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by EK Services both in hard copy and electronic format. The relevant application form is included within Appendix A of this policy. EK Services will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow EK Services to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues Section and will be determined in accordance with this policy.
- 5.5 EK Services will provide this service and guidance free of charge. Ratepayers are encouraged to approach the relevant Council direct and not pay for such services through third parties.

Granting of relief

- 5.6 In all cases, EK Services will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end;
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify EK Services of any change in circumstances that may affect entitlement to relief.
- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of each Councils' statutory duty; and
 - An explanation of the appeal rights (see below).

The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, EK Services may backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, EK Services reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main be granted from 1st April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year or at such time-period as EK Services determines.

Variation of a decision

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in a Council's decision which increases the award - this will apply from the date the Council as appropriate;
 - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time, however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by each Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Partnership Councils' scheme of delegation allows for the EK Services Income Manager to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a significant nature will be subject to consultation with the S151 Officer of the Council, and/ or the relevant Executive member prior to final determination.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 6.5 Where any Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the EK Services Income Manager. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the section 151 Officer for review. Where appropriate, cases of this nature may also be referred to the Executive member as appropriate.
- 6.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although EK Services will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Consultation

- 7.1 EK Services has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31 /3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
 - b. Any combined authority.
- 7.3 In the case of Partnership Council's only the major precepting authorities have been consulted namely:
- a. Kent County Council;
 - b. The Police and Crime Commissioner for Kent; and
 - c. The Kent Fire and Rescue Service.

8.0 Decisions by EK Services under this scheme

- 8.1 Decisions by EK Services are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of each Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of EK Services whether to award any relief under this scheme cannot take account of any level of funding.

Applications for relief under this scheme

- 8.3 EK Services is keen to identify ratepayers who may qualify for the relief and as such will look to encourage certain ratepayers to apply. Each Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 Each Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
 - b. Relief will not be awarded where mandatory relief is granted;
 - c. In assessing any potential entitlement to an award under this scheme, each Council will compare the following:
 - i. The rate liability of the ratepayer at 31st March 2017 after any reliefs and reductions; and
 - ii. The rate liability of the ratepayer at 1st April 2017 taking into account any transitional relief or discretionary relief within this policy;
 - d. Relief will be awarded where the calculation above would result in an increase;
 - e. Relief will only be given to premises which are liable for occupied rates. No relief within this scheme will be granted for unoccupied premises;
 - f. Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017 and for each day subsequently.
 - g. Ratepayers taking up occupation after the 1st April 2017 will not be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- h. Relief will be targeted to local businesses and not those businesses that are national or multi- national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in Kent;
 - i. Relief may be awarded for more than one premises as long as all other criteria are met;
- j. Relief will not be awarded where:
 - i. the hereditament has a Rateable Value of greater than £275,000;
 - ii. the hereditament is a Prescribed Education Establishments;
 - iii. the hereditament is an excepted one (occupied by any Billing or Precepting Authority);
 - iv. mandatory relief is awarded;
 - v. where the ratepayer has applied for a reduction under S44a of the Local Government Finance Act 1988; or
 - vi. the hereditament has an increase in Rateable Value after the 1st April 2017 which increases the rate charge above the 1st April 2017 value

Amount of Relief

8.5 The amount of relief is tapered and will be calculated as follows:

2017/18

Award = the following% age of the increase:

Council	%age of increase awarded as a relief
Canterbury City Council	55%
Dover District Council	70%
Thanet District Council	85%

2018/19

Award = 2017/18 award x 50% (for clarity this will be half of the relief awarded in 2017/18)

2019/20

Award = 2018/19 award x 50% (for clarity this will be half of the relief awarded in 2018/19)

2020/21

Award = 2019/20 award x 10% (for clarity this will be 10% of the relief awarded in 2019/20)

Variation and amendment of relief under the scheme

- 8.6 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. In effect relief is calculated on a daily basis in line with the ratepayer's liability on that day. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.
- 8.7 The Non -Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, EK Services will require any changes in circumstances which may affect the relief to be reported as soon as possible and in any event not more than 21 days from the happening of the event. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Partnership as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled. Where any award is to be reduced, EK Services will look to recover the amount from the date the change of circumstances occurred.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

11.0 Supporting Small Businesses Relief

General Explanation

- 11.1 Central Government has increased the thresholds for Small Business Rate Relief from 1 April 2017 to £12,000 for the 100% relief and £15,000 for the tapered relief. They have also allowed rural rate relief to be granted up to 100% using S47 of the Local Government Finance Act 1988 as a top up to the mandatory level of 50%, albeit that the rateable value limits have not been changes in respect of rural hereditaments. Unfortunately, despite these changes, some small businesses and businesses in rural areas may lose their entitlement to the relief due to increases in Rateable Value through the revaluation on 1st April 2017.
- 11.2 The transitional relief scheme (provided under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016 No. 1265) does not provide support in respect of changes in reliefs. Therefore, those ratepayers who have lost some or all of their small business or rural rate relief may face large percentage increases in bills from 1 April 2017.
- 11.3 In view of this, Central Government announced that a new scheme of relief would be made available to those ratepayers facing large increases as a result of the loss of small business or rural rate relief due to the revaluation. All authorities are encouraged to grant the relief in accordance with the guidelines laid down by Central Government and if granted strictly in accordance with guidance, each Council will be compensated by Central Government through a grant under section 31 of the Local Government Act 2003.
- 11.4 The relief is known as the 'Supporting Small Businesses Scheme'

Who is eligible for the relief and how much relief will be available?

- 11.5 The Supporting Small Businesses relief will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their small business or rural rate relief and, as a result, are facing large increases in their bills.
- 11.6 To support these ratepayers, the Supporting Small Businesses relief will ensure that the increase per year in the bills of these ratepayers is limited to the greater of:
- a. a percentage increase per annum. of 5%, 7.5%, 10%, 15% and 15% 2017/18 to 2021/22 plus inflation. (Unlike the transitional relief scheme under the Chargeable Amount regulations), for the first year of the scheme the percentage increase is taken against the bill for 31 March 2017 after small business rate relief or rural rate relief; or
 - b. a cash value off 600 per year (£50 per month).
- 11.7 This cash minimum increase ensures that those ratepayers paying nothing or very small amounts in 2016/17 after small business rate relief are brought into paying something.

- 11.8 In the first year of the scheme, this means all ratepayers losing some or all of their small business rate relief or rural rate relief will see the increase in their bill capped at £600. The cash minimum increase is £600 per year thereafter. This means that ratepayers who in 2016/17 paid nothing under small business rate relief and are losing all of their entitlement to relief (i.e. moving from £6,000 rateable value or less to more than £15,000) would under this scheme be paying £3,000 in year 5.
- 11.9 The Government has also decided that those on the Supporting Small Businesses relief scheme whose 2017 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for the Supporting Small Businesses relief scheme.
- 11.10 Ratepayers will remain in the Supporting Small Businesses relief scheme for either 5 years or until they reach the bill they would have paid without the scheme (this would be the charge payable as their true rates payable or the charge calculated under the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016).
- 11.11 A change of ratepayer will not affect eligibility for the Supporting Small Businesses relief scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- 11.12 The rules for state aid (as detailed in section 4 of this policy) shall apply when considering Supporting Small Businesses Relief.

Recalculation of relief

- 11.13 The amount of relief awarded under the Supporting Small Businesses relief scheme will be recalculated in the event of a change of circumstances including the following:
- This could include, for example, a backdated change to the rateable value or the hereditament; or
 - The awarding of another relief.
- 11.14 EK Services will, in effect, calculate the award on a daily basis taking into account the above, and the relief will be re-calculated if the rateable value changes.

Other Reliefs

- 11.15 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for Supporting Small Businesses Relief. Likewise, the same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under the Supporting Small Business scheme.
- 11.16 In accordance with Central Government guidelines, all other discretionary reliefs, will be considered after the application of Supporting Small Businesses relief.
- 11.17 Each partnership Council has decided that EK Services can grant relief strictly in accordance with Central Government guidelines

12.0 Public House Relief

General Explanation

- 12.1 This is a temporary relief for 2017-18 and the Government is not changing the legislation around the reliefs available to premises. Central Government will reimburse local authorities that use their discretionary relief powers (under section 47(3)) of the Local Government Finance Act 1988) to grant £1000 relief in line with the eligibility criteria set out in guidance to be produced by Central Government.
- 12.2 Central Government guidelines have been issued and it has been established that any amount granted will be reimbursed by a section 31 grant.

Eligibility criteria

- 12.3 EK Service's policy, in line with Central Government requirements, will provide a relief of £1,000 relief for one year only (1st April 2017 to 31st March 2018) for all eligible public houses who have a rateable value of less than £100,000 on 1st April 2017.
- 12.4 The definition of a 'Public House' means any premises as defined in the Licensing Act 2003, which has a premises license authorising sale by retail of alcohol for consumption on the premises. In addition, the premises must be used principally for retail sales of alcohol to members of the public for consumption on the premises, and sales must not be subject to the condition that buyers reside at or consume food on the premises.
- 12.5 It will be for EK Services to decide whether any premises falls within the definition give in the above paragraph. No relief shall be given where the premises are unoccupied.

Other Reliefs

- 12.6 Pubic House relief will be granted after applying any other mandatory reliefs and reductions

Public House Relief- the Council's policy for granting discretionary relief

- 12.7 Each partnership Council has decided to allow EK Services to grant relief strictly in accordance with Central Government guidelines.

13.0 Equalities Statement

EK Services are committed to delivering a service that is accessible and fair to all of the communities that we serve. We will ensure that all people are treated with respect and dignity.

The Equality Act 2010 sets us an “Equality Duty” to:

1. eliminate discrimination, harassment and victimisation;
2. promote equality of opportunity between different groups in the community;
and
3. foster good relations within the local community

We give careful consideration to equality issues in our new and existing policies, strategies and services to see what effect they will have on different groups within our communities, including those with protected characteristics.

The protected characteristics covered by the Equality Duty are:

- age;
- disability;
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination);
- pregnancy and maternity;
- gender reassignment;
- race – this includes ethnic or national origins, colour or nationality;
- religion or belief – this includes lack of belief;
- sex (gender);
- sexual orientation.

We also recognise that socio-economic status can be a significant barrier to equality of opportunity.

We identify potential consequences for these groups and ensure any negative impacts are eliminated or reduced. We also identify opportunities to eliminate discrimination and promote positive relations between groups and throughout our communities.

14.0 Policy Review

This policy will be reviewed on an annual basis and when changes dictate in order to ensure it remains valid, effective and relevant.