Institute for Family Business

Rt. Hon George Osborne MP
The Chancellor of the Exchequer
HM Treasury
1 Horse Guards Road
London SW1A 2HQ

20th November 2013

Dear Chancellor,

Institute for Family Business with the Unquoted Companies Group 2013 Autumn Statement Submission

We welcome this opportunity to make a submission to HM Treasury. The IFB with UCG is the voice of family business in the UK. It is an independent, not-for-profit, membership association which represents the UK family-owned business sector - a total of three million enterprises generating revenues of £1.1 trillion and providing nine million jobs.[1]

Family businesses inherently develop business strategies which focus on the long term. Throughout the recession family businesses experienced a lower rate of insolvency than in the rest of the private sector. **Family businesses are now looking for opportunities to grow and invest** as the economy starts to recover.[2]

On behalf of our Members, the IFB with UCG's prime objective is to work with HM Government to ensure there is a policy environment in the UK which:

- Recognises the economic benefits of supporting a diverse range of business ownership models, in particular the Family Business model
- Recognises the considerable contribution of the family business sector to growth, investment, jobs and economic prosperity
- Fosters the spirit of entrepreneurship, enterprise and innovation that is the bedrock of family businesses
- And, which supports investment in family businesses, including that given to new entrepreneurs and start-up businesses.

In 2012 the government made some positive steps to support UK business including reductions in corporation tax rates and critically, raising capital allowance relief to £250,000. We believe **the government can and should go further in reducing the regulatory burden on business** and simplifying the tax system. Although ministers have introduced a number of schemes to assist businesses, many of these are limited in scope and generally impose an increased bureaucratic burden in order to benefit from them.

[1] IFB Research Foundation with Oxford Economics, The UK Family Business Sector: Working to grow the UK economy, November 2011, http://www.ifb.org.uk/media/152155/theukfamilybusinesssectorpressnov2011.pdf
[2] See [1], P.22

Summary of IFB with UCG Policy Recommendations

In this submission we have highlighted a number of tax and regulatory simplifications that we believe will reduce the burden on business, increase investment in growth, and support the more sustainable and prudent approach to business that is typical of the family ownership model.

Encouraging Growth

- Business Property Relief to be maintained in full and the Treasury seek to modernise the relief to better support entrepreneurship and investment in business growth.

Tax

- Review the tax treatment of debt versus equity business financing with a view to levelling the playing field for those firms which wish to reinvest in their own business.
- Introduce the same tax deductable treatment for equity financing as currently exists for debt financing.

Encouraging Investment

- The connected persons' test for the Enterprise Investment Scheme (EIS) should be removed to promote investment in family start ups.
- The Government should extend the EIS thresholds to support investment in the growth of mid-sized businesses.
- Business Property Relief (BPR) rules should be updated to encourage family firms to invest in new enterprises.
- Increase the cap on capital allowances to incentivise medium and large enterprises to invest in expanding their operations despite the current economic conditions.
- Reintroduce buildings allowance to help stimulate investment in growth.

Increasing Investment and Stability

- HM Treasury should consult on introducing a single qualifying test to apply equally for BAHR and BPR. The new single test should be no more stringent than the current test for BPR.
- HM Treasury should review the tax treatment of Trusts so that sensible succession planning can take place over extended periods.
- Government should look at ways it can ease the burden that Quantitative Easing places on family businesses who still maintain final salary pension schemes for their employees.
- Introduce an HR investment tax credit to firms who invest in the training and development of employees and apprenticeship schemes to improve the UK skills base and employability.

1. The Family Business Sector

The Family Business sector forms the backbone of the UK economy, as it does in many economies around the world. The IFB's Members include some of Britain's best known and well-loved companies and brands including: Virgin, Clarks, Dysons, Warburtons, JCB, Fullers, Speedo, Glenfiddich, Hendrick's, Yorkshire Tea, Aunt Bessie's, Ginsters, Boodles and William Grant & Sons.

Family firms in the UK:

- Generate over £1.1trillion turnover, 35 per cent of the private sector, contributing almost a quarter of total UK GDP – more than double the contribution made by the FTSE 100
- Account for 66 per cent of private sector enterprises in the UK economy – three million businesses
- Account for more than 40 per cent of private sector employment, providing jobs to 9.2 million people, nearly double the public sector
- Are estimated to have contributed £81.7 billion in tax receipts to the UK Exchequer in 2010, 14 per cent of total government revenues in that year.

The family business sector has always been a **strategic pillar of our national economy** and many family firms play a significant role in their local economies and communities. This sustainable strategy has been built on the responsible long-term stewardship of people and resources, and acts as an incubator for entrepreneurship and future growth.

By their very nature, family businesses are able to take the long-term view. Our members place a greater priority on stability, sustainability and a preference for long-term growth over short-term profit extraction. They also have respect for, and a long-established commitment to, the communities and environments in which they operate.

Seventy eight per cent (78%) of **family businesses are more optimistic** than they were last year about their business growing. Whilst ninety three per cent (93%) of family firms say they are more buoyant this year than last about prospects for growth in the UK economy, uncertainty about growth is still high.

Forty four per cent (44%) of family firms say they feel uncertain about the prospects for growth in the UK over the next year, with only eighteen per cent (18%) saying they are confident about economic growth. When asked what the biggest barriers to growth are in the UK economy, family firms cite consumer confidence (87%) and employment regulation (78%) as the two biggest issues.

2. Encouraging growth

2.1 Business Property Relief (BPR)

Recommendation: Business Property Relief to be maintained in full and the Treasury seek to modernise the relief to better support entrepreneurship and investment in business growth.

Why it matters: BPR is a crucial relief for family businesses. The IFB with UCG welcomes the Government's support for the family business sector by maintaining this. BPR facilitates the continuity of family business management and ownership between successive generations, allowing businesses to develop a **long term approach which focuses on stability and sustainability**. It also acts, albeit unintentionally, as a "collar" for family firms in restricting how they invest in and fund future growth.

In the absence of BPR, the successful and efficient transfer of three million enterprises would be put at risk. Without such a relief the tax implications for any successful business on ownership of management transition would almost certainly require a sale, liquidation or substantial borrowing. Ultimately, the death of a major shareholder could bring a profitable business to an end.

The IFB with UCG welcomes HM Government's commitment to maintain 100 per cent BPR on inheritance tax, which is a highly significant plank of the Government's policy on business transfer. The Government's policy on BPR has the potential to be a significant magnet for inward investment to the UK from global business as it could create a favourable environment to set up and maintain a family business. The IFB with UCG recommends further improvements to the structure of BPR in order to modernise its operation.

Encouraging and fostering entrepreneurship is a key competitive challenge for the UK economy. Family businesses have a proven track record of entrepreneurial investment. However, the current structure of BPR makes some businesses cautious about investing beyond the core business due to the implications for tax relief that are fundamental to their long-term sustainability. We would encourage the Treasury to examine how BPR could be aligned with such entrepreneurial investments to unlock barriers to innovation.

Family businesses have limited access to broader sources of capital – such as the bond or equity markets. They therefore frequently prefer cash to fund investment in the growth of the business. However, current BPR tax policy acts as a disincentive for family businesses to build and hold cash deposits for future investment purposes. This problem is particularly acute for smaller firms where their relatively small size means they are even more handicapped when attempting to build capital reserves for investment – a distinct disadvantage for family owned companies in the UK looking to grow both at home and internationally. IFB with UCG recommends that the BPR treatment of cash deposits be changed to allow family businesses to build such cash deposits for investment without fear of penalty.

Further improvements would be made to fostering entrepreneurial investments within family businesses if the BPR treatment of minority stakes and joint ventures with third parties were to be specifically addressed to confirm that all such investments, where they are made with the future growth and direction of the firm in mind, qualified for BPR. A specific example where this can be a problem lies with Private Public Partnerships where investment holdings can appear to be out of all proportion with the size of the company.

2.2 The tax treatment of debt and equity

Recommendations: Review the tax treatment of debt versus equity business financing with a view to levelling the playing field for those firms which wish to reinvest in their own business. Introduce the same tax deductable treatment for equity financing as currently exists for debt financing.

Why it matters: Access to finance from the banking sector continues to be a major issue for many UK businesses. In this environment, those businesses which are able to are turning to other finance streams. With the availability of credit a persistent problem, we believe the government should consider freeing up access to other forms of finance, thus decreasing businesses' reliance on bank debt.

The tax treatment of equity financing for business investment, compared to debt financing which is tax deductable, creates a market distortion leading to UK firms significantly favouring debt financing over financing from equity and retained profits. This happens regardless of which may be more appropriate or available. The current system actively penalises the prudent investment model favoured by family firms.

The Mirrlees Review conducted by the Institute for Fiscal Studies says that "Some corporate investment that would otherwise be viable is likely to be deterred by a standard corporate income tax." At a time when growth is critical for the UK economy as a whole it is important to examine the details of how growth finance is treated by the tax system.

The best way to resolve this issue is to **equalise the tax treatment of debt and equity finance** by introducing the same tax treatment for equity financing as debt financing. This will allow business to make their investment decisions for commercial reasons and not tax advantage. It would also have the benefit of considerably simplifying the tax code and the overall regulatory burden on businesses.

2.3 Entrepreneurship and Enterprise Investment

Recommendations: The connected persons' test for the Enterprise Investment Scheme (EIS) should be removed to promote investment in family start ups. The Government should extend the EIS thresholds to support investment in the growth of mid-sized businesses. Business Property Relief (BPR) rules should be updated to encourage family firms to invest in new enterprises.

Why it matters: As highlighted above, a fundamental check on the growth UK businesses is the availability of finance for investment in growth. The EIS has proved highly successful with 76 per cent of business angels reporting they had used the EIS for at least some of their investments.[3] However, the connected persons' test results in an active disincentive for otherwise non-connected family members to invest in start-ups with a family association.

Family Businesses are excellent incubators of the entrepreneurial talent. Start-ups are encouraged as incubators of innovation and often seek investment from non-employee family members. It is estimated that 13 per cent of family businesses are start-up spin-offs from an existing family firm[4]. In our view, investment by a family business owner in another family enterprise should attract the same relief as an investment by a family business owner in an enterprise outside the family. Such a tax simplification measure would be a further boost to innovation and enterprise.

The current system results in an active disincentive to invest in family connected businesses and is a barrier to potential investment that would help grow the UK economy. The connected persons' test should be removed to create a level planning field for all investors. HM Treasury should consider lifting this test for a temporary period, in order to encourage increased investment in new businesses. A survey of IFB members found **nearly a third (27%) of respondents said the EIS connected persons rules made them less likely to invest in a start up**. Conversely, less than 5% said it would not prevent them investing.

The government should also extend the EIS thresholds to support investment in the growth of mid-sized businesses, taking the threshold to 500 employees (the same used for the small firms R&D tax credit) and increasing the investment limit.

Finally, many family businesses are prevented from taking advantage of the EIS and VCT schemes because of restrictions placed on them by the rules concerning BPR. These should be updated to encourage family firms to invest in new enterprises.

2.4 Capital Allowances

Recommendation: Increase the cap on capital allowances to incentivise medium and large enterprises to invest in expanding their operations despite the current economic conditions. Reintroduce buildings allowance to help stimulate investment in growth.

Why it matters: The IFB with UCG welcomed the measures announced in the 2012 Autumn Statement to temporarily increase capital allowances from £25,000 to £250,000 for two years. This will go some way to removing a tax on the growth and ambition of SMEs, which should ultimately create jobs.

However, the **cap of £250,000 is extremely limiting for those firms that want to make a major investment** in their UK operations. Family Businesses make up 69.7 per cent of UK private sector manufacturing firms and our members tell us that the cap of £250,000 is too low to have the desired

[3] HM Treasury, Financing business growth: The Government's response to financing a private sector recovery, October 2012, P.16, http://www.bis.gov.uk/assets/biscore/corporate/docs/f/10-1242-financing-business-growth-response.pdf

[4] Global Entrepreneurship Monitor, Family Business Specialist Summary, 2006

effect of increasing incentives to invest in expanding their operations during a financial slowdown. To create a meaningful incentive for medium and large enterprises the government should seek to increase the cap still further.

3. Increasing Investment and Stability

3.1 Business Asset Holdover Relief (BAHR)

Recommendation: HM Treasury should consult on introducing a single qualifying test to apply equally for BAHR and BPR. The new single test should be no more stringent than the current test for BPR.

Why it matters: BAHR and BPR both protect family firms from the danger of having to sell a business to pay a tax bill, such as capital gains or Inheritance Tax when no cash disposal is intended or planned. However, to qualify for these reliefs firms must pass different "trading" tests, creating confusion and difficulties for family businesses. The different tests for BAHR and BPR restrict the use of these reliefs and their potential benefit to family businesses.

BAHR is only available if a business contains more than 80 per cent trading activities. In contrast the BPR position, which refers to a business being 'wholly or mainly' trading, effectively imposes the requirement that in order for BPR to apply to shares in an unquoted trading company, the company must undertake at least 50 per cent trading activities and the application of this test is not always clear.

Simplification would increase the understanding of the two reliefs, reduce bureaucracy and help ensure smoother succession planning for family businesses. Without this change there is the treat that family businesses will fail in greater numbers.

3.2 Trust taxation

Recommendation: HM Treasury should review the tax treatment of Trusts so that sensible succession planning can take place over extended periods.

Why it matters: The transfer of management responsibilities between generations tends to be a gradual and ongoing process - taking place as younger generations mature. Trusts have proved an important facilitator in this process and can ensure a smooth transition of management and ownership between generations in a flexible and controlled manner. Trusts are also helpful in cases where ownership is divided between numerous persons or generations.

The IFB with UCG agrees with the policy objective set out in the 2004 consultation document, Modernising the Taxation of Trust, for a tax system for trusts which does not provide artificial incentives to set up a trust, but equally, avoids artificial obstacles to using trusts where they would bring significant non-tax benefits.

However the current tax treatment of trusts creates an active financial disadvantage to putting assets into Trust. This, in turn, creates an incentive to gift business assets without the stability and structure offered by a Trust. The result can be that inappropriately gifted assets are in the possession of a child or young adult before they reach an age where responsibility of ownership, management and strategy is more appropriate. The long-term effect of this could undermine the stability and continuation of many UK Businesses.

The Government should consider increasing the accumulation period allowed to trusts to allow trustees to make distributions at more appropriate times and not merely because an arbitrary deadline has been crossed. Trusts should also be allowed for the benefit of close family/dependants so that income from BPR assets should be able to go to these connected parties without being aggregated with the settlers' income – in particular this is penal on spouses who then cannot benefit from appropriately structured trusts during the settlor's life time.

3.3 Quantitative Easing and Final salary pensions

Recommendation: Government should look at ways it can ease the burden Quantitative Easing places of family business who still maintain final salary pension schemes for their employees.

Why it matters: The IFB with UCG recognises that Quantitative Easing is a key plank of the Bank of England's strategy to secure economic recovery and growth by maintaining low interest rates. While we support this action, our members are increasingly concerned about the effect the policy is having on final salary pension scheme deficits.

The Pension Corporation has estimated that the first round of Quantitative Easing (involving £200 billion of gilt purchases) increased pension deficits by £74 billion after netting off equity gains - equivalent to £7.4 billion additional annual payments into pension funds by employers (assuming ten-year recovery programmes and no impact on asset prices).

The payments that employers are required to make to offset the effects of Quantitative Easing come necessarily from money that could otherwise be used to increase employment and investment, as family firms do not usually have the same access to capital markets as other ownership models. If the Bank of England wishes to continue with this policy the Government must look at ways it can ease the burden it places on family businesses.

3.4 People Capital Investment Tax Credits

Recommendation: Introduce an HR investment tax credit to firms who invest in the training and development of employees and apprenticeship schemes to improve the UK skills base and employability.

Why it matters: In today's global economy, investment in people is as important as investment in plant, machinery and other capital goods. People Capital is fundamental to the competitive advantage of organisations.

Family firms have a strong record of investing in their staff and communities. Investment in training of staff, particularly young people in the early stages of their careers, generates positive externalities – the long term returns accruing to the wider economy exceed the returns to the investing firm alone. Therefore without additional incentives, the levels of training and hiring of younger or inexperienced staff will continue to be below what is optimal for the UK economy.

In the same way Research and Development is recognised for the wider economic benefits it brings, the IFB with UCG would recommend the government introduces a People Capital investment tax credit focused on giving employment tax relief to firms who invest in the training and development of their employees through apprenticeships schemes.

4. Conclusion

The family business sector in the UK has demonstrated its entrepreneurial and innovative spirit, commitment to sustainable growth, and resilience to economic shocks. As Government and business in the UK now look towards growth, it is essential that the central role of family businesses play in supporting the momentum of economic recovery is recognised and encouraged.

The IFB with UCG is eager to work with HM Treasury on the range of issues discussed in this submission in order to create an efficient, pro-growth, sustainable tax system where family businesses continue to play a significant role in driving growth in innovation and enterprise.

We would welcome the opportunity to meet and discuss these issues in more detail. If you need any further information on the recommendations outlined above, please do not hesitate to contact us.

Yours sincerely,

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