

Test Valley Borough Council Additional Restrictions Grants (ARG) Omicron

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Definitions

The following definitions are used within this document:

'Additional Restrictions Grant (ARG)' means the additional funding provided by Government.

'COVID-19' (coronavirus); means the infectious disease caused by the most recently discovered coronavirus;

'Department for Business, Energy & Industrial Strategy (BEIS)'; means the Government department responsible for the scheme and guidance;

'Omicron Hospitality and Leisure Scheme'; means the mandatory business grants scheme announced on 30th December 2021;

'Rateable Value'; means the value ascribed to the hereditament on 1st April 2017 and shown in the local rating list on 30th December 2021;

'Ratepayer'; means the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer liable for **occupied** rates in respect of the hereditament at the date of the local restrictions;

'Subsidies'; means the replacement for state aid subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU;

'State Aid Framework'; means the Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak published on 19 March 2020; and

'Temporary Framework for State aid'; means the same as the **'State Aid Framework'**.

1.0 Purpose of the Scheme and background.

- 1.1 The purpose of this document is to determine eligibility for a payment under the Council's Additional Restrictions Grant Omicron Scheme (ARG). The Council, as the Business Rates Billing Authority is responsible for payment of these grants.
- 1.2 This discretionary grant scheme has been developed by the Council in response to an announcement made by the Treasury on 21st December 2021 and the Omicron Hospitality and Leisure Grant guidance on 30th December 2021.
- 1.3 Whilst the awarding of grants will largely be at the Council's discretion, the Department for Business, Energy & Industrial Strategy (BEIS) has set down criteria which **must** be met by each business making an application.
- 1.4 Funding under the Additional Restrictions Grant (ARG) scheme is only available for the 2021/22 financial year and all grants will be paid by 31st March 2022 in accordance with Government guidance.

2.0 Funding

- 2.1 This ARG funding scheme aims to support businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant, when most needed.
- 2.3 In view of the limited amounts available, should funding be exhausted, the Council reserves the right to either reduce the awards available or to close the scheme.

3.0 ARG Omicron - Eligibility criteria and awards

Eligibility

- 3.1 Due to the level of funding the council will be receiving from the government for this round of discretionary grants (ARG), we will not be able to consider all businesses that have previously received funds under the Additional Restrictions Grant Scheme. Accordingly, the Council has decided that businesses in the travel industry, and businesses in the supply chain to events, hospitality, and travel industry, who have been severely impacted by restrictions or by the Omicron variant will be eligible to apply. All businesses **must** be subject to local non-domestic rating and occupy hereditaments appearing on the list on 30th December 2021.
- 3.2 Businesses that have received the mandatory Omicron Hospitality & Leisure Grant will not be considered for funding under this scheme. However, businesses that would have received mandatory Omicron Hospitality & Leisure Grant but applied too late *may* be considered for an award under this scheme provided evidence is submitted in time for a decision to be made and for payment to be processed by 31 March 2022.

Awards

3.3 The award under this scheme will be a one-off grant as follows:

- Businesses occupying hereditaments appearing on the local rating list with a **rateable value of exactly £15,000 or under** on 30 December 2021 will receive a payment of **£2,667**;
- Businesses occupying hereditaments appearing on the local rating list with a **rateable value over £15,000 and less than £51,000** on 30 December 2021 will receive a payment of **£4,000**; and
- Businesses occupying hereditaments appearing on the local rating list with a **rateable value of exactly £51,000 or over** on 30 December 2021 will receive a payment of **£6,000**;

3.4 Any business failing to meet the criteria will not be awarded a grant. However, subject to subsidy allowance conditions, businesses will be entitled to receive a grant for each eligible hereditament.

Excluded businesses

3.5 The following businesses will **not** be eligible for an award:

- (a) Businesses not affected by the Omicron variant;
- (b) Businesses which have already received grant payments that equal the maximum levels allowed under the Government's subsidy arrangements;
- (c) businesses not in the travel industry or supply chain for travel, events or hospitality
- (d) businesses not on the Council's rating list as of 30 December 2021; and
- (e) Businesses that were in administration, are insolvent or where a striking-off notice has been made at the effective date.

The Effective Date

3.6 The effective date for eligibility is the 30 December 2021. The business must have been trading prior to the effective date and continue to trade.

Who can receive the grant?

3.7 Government has stated that the person who will receive the grant will be the person who, according to the Council's records, was the ratepayer in respect of the hereditament at the effective date.

3.8 Where the Council has reason to believe that the information it holds about the ratepayer or business at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct person who should receive any grant.

- 3.9 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 3.10 Where any business or individual that misrepresents information or contrives to take advantage of the scheme, the Council will look to recover any grant paid and take appropriate legal action. Likewise, if any person is found to have falsified records in order to obtain a grant.

4.0 How will grants be provided to Businesses?

- 4.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy.
- 4.2 Decisions and payments must be made by 31 March 2022. Businesses are therefore encouraged to submit their application/appeal and provide full supporting evidence by 18 March 2022. Details of how to obtain grants are available on the Council's website: <https://www.testvalley.gov.uk/coronavirus-covid-19/advice-and-support-for-businesses/covid-19-national-lockdown-business-grant-schemes>
- 4.3 Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 4.4 All applications for this Additional Restrictions Grants scheme must be received by the date specified. Any applications received after that date will not be assessed.
- 4.5 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 4.6 An application for a grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.

5.0 Subsidies and EU State Aid

- 5.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 5.2 The United Kingdom, however, remains bound by its international commitments, including subsidy obligations set out in the Trade and Cooperation Agreement (TCA) with the EU.
- 5.3 The Council can still pay out subsidies under previously approved schemes and this includes subsidies related to COVID-19 that have previously been given under the EU State aid Temporary Framework.
- 5.4 Businesses should make themselves aware of their obligations under Government's subsidies arrangements available on via the following link: <https://www.gov.uk/government/publications/complying-with-the-uks-international-obligations-on-subsidy-control-guidance-for-public-authorities>

6.0 Scheme of Delegation

- 6.1 The Council has approved this scheme.
- 6.2 Officers of the Council will administer the scheme and the Section 151 Officer is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, in line with Government guidance.

7.0 Notification of Decisions

- 7.1 Applications will be considered on behalf of the Council by the Finance and Revenues Service.
- 7.2 All decisions made by the Council shall be notified to the applicant either in writing or by email. A decision shall be made as soon as practicable after an application is received.

8.0 Reviews of Decisions

- 8.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 8.2 All such requests must be made in writing to the Council by 18 March 2022 or within 14 days of the Council's decision (whichever is the earliest date) and should state the reasons why the applicant is aggrieved with the decision of the Council. New information may be submitted at this stage to support the applicant's appeal.
- 8.3 The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed in writing or by email of the decision.

9.0 Complaints

- 9.1 The Council's 'Complaints Procedure' (available on the Council's website) will be applied in the event of any complaint received about this scheme.

10.0 Taxation and the provision of information to Her Majesty's Revenues and Customs (HMRC)

- 10.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 10.2 The Council does not accept any responsibility in relation to an applicant's tax liabilities and all applicants should make their own enquiries to establish any tax position.

10.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

11.0 Managing the risk of fraud

11.1 Neither the Council, nor Government will accept deliberate manipulation of the schemes or fraud. Any applicant caught falsifying information to gain grant money or failing to declare entitlement to any of the specified grants will face prosecution and any funding issued will be recovered from them.

11.2 Applicants should note that, where a grant is paid by the Council, details of each individual grant may be passed to Government.

12.0 Recovery of amounts incorrectly paid

12.1 If it is established that **any** award has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by an applicant or their representative(s), the Council will look to recover the amount in full.

13.0 Data Protection and use of data

13.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection Policy which is available on the Council's website.