

Selby District Council Additional Restrictions Grants (ARG) Scheme

Contents

1.0	Purpose of the Scheme and background.....	4
2.0	Funding.....	4
3.0	Principals of the scheme.....	5
4.0	Eligibility criteria and awards.....	5
5.0	What grant funding is being awarded in the ARG (Omicron) scheme?.....	7
6.0	Excluded businesses	8
7.0	Who can receive the grant?	8
8.0	How will grants be provided to Businesses?	8
9.0	Subsidies and EU State Aid	9
10.0	Scheme of Delegation.....	9
11.0	Notification of Decisions.....	10
12.0	Reviews of Decisions	10
13.0	Complaints.....	10
14.0	Taxation and the provision of information to Her Majesty’s Revenues and Customs (HMRC).....	10
15.0	Managing the risk of fraud	10
16.0	Recovery of amounts incorrectly paid.....	11
17.0	Data Protection and use of data.....	11

Definitions

The following definitions are used within this document:

'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;

'Effective date'; means, for eligibility of the grant. For the purpose of this scheme, the date cannot be before 30th December 2021;

'Hereditament(s); means the assessment defined within Section 64 of the Local Government Finance Act 1988;

'Hospitality, Leisure and Accommodation'; as defined within this scheme;

'In-person services' means services which are wholly or mainly provided by the business to their customers face to face and which **cannot** be provided by other means such as online or remotely by telephone, email, video link, or written communication;

'Local lockdown'; means the same as **'Local restrictions';**

'Local rating list'; means the list as defined by Section 41 of the Local Government Finance Act 1988

'Rateable value'; means the rateable value for the hereditament shown in the Council's local rating list at the date of the local restrictions;

'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;

'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;

'Subsidies'; means the Government's replacement scheme for the previous state aid framework; 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 Scheme (ARG). The Council, as the Business Rates Billing Authority is responsible for payment of these grants.
- 1.2 The ARG funding scheme aims to support businesses severely impacted by coronavirus restrictions and the rise of the Omicron variant who do not qualify for the 'Omicron Hospitality and Leisure Grant' (OHLG).
<https://www.gov.uk/guidance/check-if-youre-eligible-for-the-omicron-hospitality-and-leisure-grant>
- 1.3 A number of businesses in the Hospitality, Leisure and Accommodation sectors were adversely impacted during December 2021 by a reduction in the number of customers, with cancellations, lower attendance, and 'no-shows'. Venues in which social mixing is a primary function, such as restaurants, were notably affected, with a reduction in income for businesses and their suppliers e.g., catering supplies due to general concerns on the rapid rise of the Omicron variant.
- 1.4 Travel and tourism continue to be detrimentally affected by COVID-19. This has led to a significant reduction in trade for associated businesses, particularly for travel agents and pet boarding kennels.
- 1.5 The businesses in the Selby District identified as severely impacted by coronavirus, in particular the rise of the Omicron variant and travel restrictions are:
- Hospitality – Food related businesses and their suppliers but not including takeaways;
 - Leisure and Events, such as exhibitions and fairs and their suppliers e.g., audio equipment, organisers;
 - Gyms and sport businesses
 - Accommodation providers and their suppliers;
 - Travel agents and associated travel/tourism suppliers e.g., boarding kennels; and
 - Travel coach services.
- 1.6 The Government has advised local authorities that they may use their Additional Restrictions Grant (ARG) funding to provide financial assistance to locally based businesses severely impacted by coronavirus and in particular the Omicron variant.

2.0 Funding

- 2.1 Under the Additional Restrictions Grant Scheme (ARG) provisions, Local Authorities have received limited funding from Central Government.
- 2.2 In view of that, should funding be exhausted, the Council reserves the right to either reduce the awards available or to close the scheme.

3.0 Principals of the scheme

- 3.1 The Council has agreed to award a grant to those businesses severely impacted by:
- (a) coronavirus and in particular the Omicron variant; and/or
 - (b) COVID-19 travel restrictions.
- 3.2 In adopting the ARG (Omicron) scheme the Council has continued the key criteria that has informed all previous phases of the council's ARG scheme namely:
- Identifying those businesses that are severely impacted by COVID-19 and in particular the Omicron variant;
 - Awarding a meaningful amount of grant funding that recognises eligible businesses have on-going fixed costs, such as rent and insurance;
 - Recognises the difference in costs faced by home based/mobile businesses and those operating from commercial premises;
 - Ensuring compliance with Government criteria on eligibility criteria, data collection and sharing, pre and post payment assurance checks and audit requirements;
 - Operate an internal review process and will accept an applicant's request to review its decision; and
 - Administering COVID-19 business grant schemes effectively

4.0 Eligibility criteria and awards

- 4.1 It is acknowledged that a wide range of businesses have, and for some, continue to be affected by COVID-19 and reduced customer confidence. The primary principle of the ARG scheme is to support:
- Eligible businesses that directly offer or supply in-person services within the hospitality, leisure and accommodation sectors and are not eligible for the OHLG; and
 - Businesses in the travel and tourism sectors and associated businesses including travel agents and pet boarding kennels.
- 4.2 It is recognised that some businesses continue to be impacted by COVID-19 and the rise of the Omicron variant. However, in line with government guidance and principles of the scheme support has been focused on those businesses which have been severely impacted.

Hospitality

- 4.3 For the purposes of this scheme, a hospitality business can be defined as a business whose main function is to provide a venue for the consumption and sale of food and drink. It will include those businesses providing an in-person service and where the food and/or drink is consumed on the premises (indoor or outdoor) but will exclude those business whose main service is a takeaway.
- 4.4 The scheme applies to suppliers to the hospitality sector as they are considered to have been severely impacted by a reduction in attendance and / or cancellations. Examples are food, drink, and linen suppliers. Cleaners, window cleaners, stock takers, and persons

undertaking repairs/maintenance are not eligible as their services are not directly linked to the reduction in event attendance and/or cancellations.

Leisure and Events

- 4.5 For the purposes of this scheme, a leisure business can be defined as a business that provides opportunities, experiences, and facilities, in particular for culture, recreation, entertainment, celebratory events and days and nights out.
- 4.6 The scheme supports event venues along with suppliers to the industry e.g., caterers, catering equipment and music provision which are most impacted by a reduction in customers or cancellations.
- 4.7 As a consequence many of the affected businesses, such as event organisers, will have faced an increased workload, in communications and administration, but received no additional income. They are businesses that have been severely impacted by cancellations and reduced customer confidence.
- 4.8 Furthermore, in line with government guidance, all retail businesses are excluded from the scheme, and also hairdressers and personal care type businesses are excluded.

Accommodation

- 4.9 For the purposes of this scheme, an accommodation business can be defined as a business whose main lodging provision is used for holiday, travel, or other purposes whether it be for work purposes or leisure.
- 4.10 This will include both catered and self-catering accommodation including caravan and campsites.
- 4.11 In line with government guidance education accommodation, residential homes, care homes, residential family centres and beach huts are not eligible for this scheme.
- 4.12 Key suppliers to this sector will also be eligible, examples would be a laundry service along with food and drink suppliers.
- 4.13 Cleaners, window cleaners, stock takers and persons undertaking repairs/maintenance would not be included as eligible services for the purpose of the grant.

Travel industry and pet boarding.

- 4.14 Travel and tourism related businesses have been severely impacted and continue to be detrimentally affected by COVID-19 with reduced customer confidence. Staff time has often been taken up in cancelling and rebooking holidays, as regulations change at short notice.

- 4.15 This has led to a significant reduction in trade for associated businesses, particularly for travel agents and pet boarding kennels.
- 4.16 Locally based travel businesses have therefore been included for support including tour/coach tour operators.
- 4.17 Pet boarding businesses have experienced a decrease in demand for services, as a direct impact of the travel restrictions. Awards will only be made to those eligible businesses that offer overnight stays/care (including from home). Pet related day care businesses are not eligible for this scheme.

General eligibility for all businesses

- 4.18 Eligible businesses and organisations **must** in all cases:
- Complete a new application form within the 2 weeks applications window;
 - Not be eligible for assistance under the mandatory 'Omicron Hospitality and Leisure Grant';
 - Self-certify that they meet all eligibility criteria;
 - Be based and trading in the Selby district on 30 December 2021; and
 - Trade in a sector as mentioned in this scheme that is recognised as being one that is severely impacted by the COVID-19 and in particular the Omicron variant;
- 4.19 The decision on eligibility will be based on the information provided by the business in its application form;
- 4.20 Should applications received within the application window exceed the funding available, they will be considered on a first come first served basis.

5.0 What grant funding is being awarded in the ARG (Omicron) scheme?

- 5.1 The amount of grant awarded in the ARG (Omicron) scheme is based on business premises Rateable Value (RV) or costs as detailed below.
- 5.2 All eligible business will receive a **single one-off payment** which is broadly in line with the mandatory Omicron Hospitality and Leisure Grant. In addition, those eligible home based or mobile businesses may receive a lower amount.

Awards

- 5.3 The following awards will be payable:
- (a) All eligible home or mobile based businesses;
 - up to a maximum of £2667;
 - (b) All eligible businesses with premises subject to local non-domestic rating with a rateable value of exactly £15,000 or under on 30 December 2021;
 - up to a maximum of £2,667;

- (c) All eligible business with premises subject to local non-domestic rating with a rateable value of greater than £15,000 and less than £51,000 on 30 December 2021;
 - up to a maximum of £4,000
- (d) All eligible business with premises subject to local non-domestic rating with a rateable value of greater than £51,000 **or** annual rental costs of £51,000 or over on 30 December 2021;
 - Up to a maximum of £6,000

6.0 Excluded businesses

- 6.1 The following businesses will **not** be eligible for an award:
- (a) Businesses in areas outside the scope of this scheme;
 - (b) Businesses that are entitled to claim a grant (or have been awarded a grant) under the mandatory Omicron Hospitality and Leisure Grant scheme;
 - (c) Businesses that have chosen to close but not been required to;
 - (d) Businesses that have already received grant payments that equal the maximum permitted subsidy allowances will not be eligible to receive funding; and
 - (e) Businesses that are in administration, insolvent or where a striking-off notice has been made.

7.0 Who can receive the grant?

- 7.1 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. Where there is no entry in the rating list for the business, the Council will have discretion to determine who should receive the grant.
- 7.2 Where the Council has reason to believe that the information it holds about the ratepayer at the effective date is inaccurate, it may withhold or recover the grant and take reasonable steps to identify the correct ratepayer.
- 7.3 Where, it is subsequently determined that the records held are incorrect, the Council reserves the right to recover any grant incorrectly paid.
- 7.4 Where any business 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 ratepayer is found to have falsified records in order to obtain a grant.

8.0 How will grants be provided to Businesses?

- 8.1 The Council is fully aware of the importance of these grants to assist businesses and support the local community and economy. The Council's Additional Restrictions Grant (ARG) scheme together with the Omicron Hospitality and Leisure Grant scheme will offer a lifeline to businesses who are struggling to survive during to the COVID-19 crisis.
- 8.2 Details of how to obtain grants are available on the Council's website:

<https://www.selby.gov.uk/coronavirus-covid-19-business-support>

- 8.3 In all cases, businesses will be required to confirm that they are eligible to receive the grants. This includes circumstances where the Council already has bank details for the business and are in a position to send out funding immediately. Businesses are under an obligation to notify the Council should they no longer meet the eligibility criteria for any additional grants.
- 8.4 The Council reserves the right request any supplementary information from businesses, and they should look to provide this, where requested, as soon as possible.
- 8.5 An application for an Additional Restriction Grant is deemed to have been made when a duly completed application form is received via the Council's online procedure.
- 8.6 If funds remaining at the end of the scheme, the Council will make these available to for business support and advice. If more applications are received than can be paid, grants will be awarded on a first come first served basis.
- 8.7 The Council reserves the right to close the scheme at any time.

9.0 Subsidies and EU State Aid

- 9.1 The EU State aid rules no longer apply to subsidies granted in the UK following the end of the transition period.
- 9.2 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.
- 9.3 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.
- 9.4 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>

10.0 Scheme of Delegation

- 10.1 The Council has approved this scheme.
- 10.2 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.

11.0 Notification of Decisions

- 11.1 Applications will be considered on behalf of the Council by the Revenues and Benefits Service.
- 11.2 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.

12.0 Reviews of Decisions

- 12.1 The Council will operate an internal review process and will accept an applicant's request for a review of its decision.
- 12.2 All such requests must be made by email to the council within 5 working days of the council's decision 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.
- 12.3 Appeals received after 5 working days will not be considered.
- 12.4 The application will be reconsidered by a senior officer, as soon as practicable and the applicant informed by e-mail of the decision.

13.0 Complaints

- 13.1 The Council's Complaints procedure, available at www.selby.gov.uk/complaints will be applied in the event of any complaint received about the scheme.

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

- 14.1 The Council has been informed by Government that all payments under the scheme are taxable.
- 14.2 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.
- 14.3 All applicants should note that the Council is required to inform Her Majesty's Revenue and Customs (HMRC) of all payments made to businesses.

15.0 Managing the risk of fraud

- 15.1 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.

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

16.0 Recovery of amounts incorrectly paid

- 16.1 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.

17.0 Data Protection and use of data

- 17.1 All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.