

# The Broxtowe Borough (BBC) Covid Business Grants Support Policy

## - Guidance Notes and Checklist

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### 1. INTRODUCTION

The Covid-19 pandemic is unprecedented and has had an immediate and significant impact on the Broxtowe Borough Council economy. The Government has now provided guidance and funding for a number of grants, which the Council is administering, covering different time periods and different business sectors as follows:

**Table 1**

	<b>Time Period</b>	<b>Name of fund</b>	<b>Description</b>
1.	14 Oct 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Open)</b>	Support for businesses in the hospitality, hotel, bed & breakfast and leisure sectors that have remained open under Tier 2 restrictions of up to £2,100 for 4 weeks
2.	30 Oct 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Closed)</b>	Support for businesses in the hospitality, accommodation, hair/beauty and leisure sectors that have legally been forced to close under Tier 3 restrictions of up to £3,000 for 4 weeks
3.	05 Nov 2020 to 02 Dec 2020	<b>Local Restrictions Support Grant (Closed)</b>	Support for businesses that have legally been forced to close under the conditions of the national lockdown of up to £3,000 for 4 weeks
4.	01 Nov 2020 to 04 Nov 2020	<b>Local Restrictions Support Grant (Sector)</b>	Support for businesses that were required to close in March and which have <b>never</b> been able to re-open (for example nightclubs) of up to £3,000 for 4 weeks
5.	05 Nov 2020 ongoing	<b>Additional Restrictions Grant</b> – referred to as the Additional Restrictions Grant in this document -	Support for businesses affected by reduced trading conditions experienced during national lockdown. Focusing on the hospitality, accommodation, beauty and leisure sectors, non-essential retail and their supply chains.

This Policy details the criteria in relation to the Local Restrictions Grant (Open) and the Additional Restrictions Grant, which are the only elements of discretion for the Council.

Further detail on the various schemes and guidance with regards to the applications process are given below.

Nottinghamshire was placed in the High alert level (Tier 2) on 14 October 2020. This introduced restrictions on social mixing in certain circumstances. For this period of time there is a **Local Restrictions Support Grant (Open)** for businesses in the worst affected sectors that remained open until 4 November detailed in Section 10).

On Wednesday 28 October 2020, the Government announced that in order to curb rising infection rates in Nottinghamshire, which includes Broxtowe Borough Council, had been placed into a Very High alert level (Tier 3) which came into force on Friday 30 October 2020 with further national restrictions announced to commence on Thursday 5 November 2020. From this date all social mixing indoors and in private gardens is prohibited and certain businesses must close. These are pubs and bars, gyms and leisure centres, betting centres, amusement arcades, adult gaming centres, bingo halls, bowling alleys, casinos, play areas (including soft play areas), museums & galleries, businesses operating in the hair and beauty sector along with other non-essential retailers (as defined in Appendix A).

As a direct response to the existing challenges facing the above sectors and the new measures imposed by Government, Broxtowe Borough Council have created a discretionary fund, Additional Restrictions Grants, to support micro and small businesses in the hospitality, accommodation and leisure sector and their supply chains. There is a more restricted fund for the period the Council was in Tier 2 as per the guidance in Table 1.

The **Additional Restrictions Grant** is focused on supporting existing businesses by providing an additional discretionary, on top of the [Local Restrictions Support Grant \(Closed\)](#) which is provided by the Government along with additional funding for other businesses or the self-employed in the affected sectors and the supply chain.

The grant fund will be co-ordinated and administered by Broxtowe Borough Council.

The Additional Restrictions Grant will be allocated quickly and efficiently, with the first funding to reach applicants within **5 working days** of the application being **approved** subject to the application being compliant, with all the necessary supporting evidence being provided within 5 working days of request. It is essential that bank details provided are correct. The same practices will be adopted for the different Local Restrictions Support Grant Funding schemes.

## **2. PRIORITY AREAS**

The amount of funding available under the Additional Restrictions Grant is not expected to meet the demand from businesses, and unfortunately, not all applicants will be successful. Therefore, in determining the eligibility criteria, we have sought to balance the number of businesses we can support with the priority areas of the Council and the overall amount of money that is available.

In administering the grant, the Borough Council will adopt the following priorities:

- a) Providing the greatest assistance to those eligible micro and small businesses;
- b) Providing support to as many businesses as possible within the available financial resource;
- c) Delivering a grant application which is simple, straightforward and makes decisions as quickly as possible; and
- d) To ensure that there is proper due diligence and fraud and error is avoided.



Grant Scheme Number		Business support
4.		<ul style="list-style-type: none"> <li>• Grants will be paid four weekly under the conditions of a national lockdown, and every two weeks under localised tier 3 conditions. If the applicable period for the grant is different the value of the award will be pro-rata'd accordingly</li> </ul> <p><b>Local Restrictions Support Grant (Sector)</b> - businesses that were required to close in March and which have never been able to re-open (for example nightclubs) will be paid grants of up to £3,000 for every four-week period that they have to remain closed. There is no back-dating of the scheme, with payments applicable from 1 November 2020. Businesses will be contacted directly by the Council if they meet the criteria for this scheme.</p>
5.	<b>Additional Restrictions Grant</b>	<p>An eligible business may receive (subject to the availability of funds) a <b>one off payment</b> if the business occupies a property with a rateable value (or if there is no rateable value a proxy such as annual rent) as follows:</p> <ul style="list-style-type: none"> <li>• £1,500 if RV up to £15,000</li> <li>• £3,000 if RV is £15,001 to £51,000</li> <li>• £6,000 if RV over £51,000</li> </ul> <p>If you do not wholly occupy a property listed for business rates (i.e. not liable for business rates) and are not charged a fixed property charge you may be entitled to a fixed grant of £1,000 if you have been forced to close your business due to COVID restrictions and temporarily ceased trading, or £500 if you are still operating.</p> <p>The Council reserves the right to amend the financial limits stated above.</p>

For the Borough Council Additional Restrictions Grant Scheme this applies initially for a 28-day period. If the lockdown arrangements are extended and additional Government funding is made available you will not be asked to re-apply and pro-rata payments will be made subject to the amount of Government Funding being made available. It is the responsibility of the applicant to inform us of any changes to their original application, taking into account the requirements in section 7 below to not provide misleading information.

The Local Restrictions Support Grants (both Open and Closed) apply from when the Council is informed of its 'tier status' as a result of Covid. All grants are subject to sufficient government funding being made available and are capped at the respective funding levels.

**Note:**

We reserve the right to modify and/or withdraw each grant award and its associated conditions, particularly to ensure that public money is spent well. This may be in response to changes in national legislation, local economic and health conditions and changes in funding circumstances. Any payments made outside of the payment cycles will be pro-rata'd accordingly.

#### **4. PAYMENT OF THE ADDITIONAL RESTRICTIONS GRANT AND LOCAL RESTRICTIONS SUPPORT GRANTS**

For businesses that are continuing to trade and those that are compulsorily closed the Additional Restrictions Grant will be paid in one instalment. Local Restrictions Grants will be paid over the duration that local restrictions are in place.

All grant payments are subject to the satisfactory receipt of:

- confirmation that the business is able to accept the grant under State Aid regulations
- confirmation of whether the business is still open for visiting members of the public or has been forced to close by government or by further locally agreed mandated closure.
- proof of rent payments made (in the absence of wholly occupying a property listed as rateable by the Valuation Office Agency).

#### **5. ELIGIBILITY CRITERIA FOR ADDITIONAL RESTRICTIONS GRANTS**

An eligible business must be able to demonstrate that the business:

- a) Is small or micro business as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
- b) Grants will only be paid to customer facing businesses and businesses in the supply chain for selected business sectors detailed below in table 2.
- c) Occupies commercial premises that have a rateable value within the Broxtowe Borough Council area, or if they occupy a commercial space which is not separately rated for business rates purposes pay a fixed rental cost within the Broxtowe Borough Council area. Note that domestic mortgage payments are not admissible as property related charges.
- d) Licensed taxi drivers will be considered for a grant as long as they permanently reside in the Broxtowe Borough Council area. They must provide proof of where they normally reside as part of the application process.
- e) Businesses and self-employed people with no fixed rental costs who operate either directly or in the supply chain of sectors listed below will be eligible to claim if they reside in the Broxtowe Borough Council area. They must provide proof of where they normally reside as part of the application process along with details of how their business has been affected by the national lockdown restrictions and evidence of recent trading.
- f) Was considered a 'non-essential' business during the first period of lockdown.
- g) Was trading on or before 1 October 2020 i.e. continuing to trade with a view to making a profit or surplus (not a dormant company). This will ensure the grant is targeted at businesses whose owners/directors have demonstrated that they believe the business remains viable after the first period of lockdown. You will need to provide proof of recent activity.
- h) Has a relevant certificate(s) to show compliance with laws and regulations relevant to its trade, for example a food hygiene certificate, a licence to sell alcohol, permission to operate a pavement seating area.
- i) Is not subject to enforcement action by the Police or a Regulatory Authority for an order for non-compliance with Covid-19 regulations or food hygiene standards.
- j) Is State Aid compliant.

**Table 3 - Business sectors that are eligible to apply for the Additional Restrictions Grant**

Eligible Business Sectors	Eligible Business Sectors
Amusements and visitor attractions (family entertainment centres)	Outdoor Pursuits Centre
Art Gallery / Museum (privately owned)	Play Centre /Soft Play Centre
Licenced Bars	Public Buildings – except those that remain open for the purposes of worship, childcare and specific exempt support groups/statutory responsibilities and purposes of work. For example Community and Village Halls.
Bowling Alley	Public House
Exhibition Centres & Conference Halls	Adult Gaming Centres
Amusement Arcades	Casinos
Bingo Halls	Registered bed and breakfast accommodation (not Airbnb accommodation)
Café with indoor / outdoor seating	Restaurant
Bookmakers	Tattoo parlours, tanning salons, nail salons, spas & beauty services , hair salons, barbers
Camping and Caravan sites	Theatre / Cinema / Event Spaces
Gyms, yoga / dance centres	Trampoline Centre
Hotel	Urban farm
Ice Rink	Non-essential retail outlets used for the sale of goods to visiting members of the public. See Appendix A for the type of businesses excluded
Outdoor sporting venues including golf clubs, stables and riding centres	Zoos and other animal attractions
Leisure centres	Businesses and self-employed people operating in these sectors
Voluntary and Community Groups - The Council will use funding from the allocation to support those organisations in the Voluntary and Community Sectors providing direct support in relation to issues arising from Covid-19.	

## 6. BUSINESSES THAT ARE EXCLUDED FROM ALL COVID GRANTS

A business will be excluded from applying for a grant if, on the date it makes the application it:

- is dissolved or about to be dissolved
- is insolvent or if insolvency action had been instigated against it (including any petition or where a striking off notice has been made)
- is dormant as of the 1 October 2020, ie. not trading but not insolvent

- has ceased trading or has closed without being required to do so as part of Government and local restrictions

Businesses that have been subject to environmental health or planning enforcement prosecution since 1 April 2020 will be excluded from all discretionary grants

Further, a business will be excluded from applying for a grant if, on the date it makes the application for this grant, it is counted as an “essential business” under previous Government COVID-19 regulations and/or is unlikely to have been negatively affected by Covid-19 restrictions. For example, supermarkets, takeaways, corner shops and off-licences would be ineligible for support under this scheme.

## **7. APPLICANT'S RESPONSIBILITIES**

Businesses are responsible for providing true and accurate information, and applicants are asked to note that:

- a) The business for which the application is made must be currently experiencing financial hardship as a result of the COVID-19 crisis and must have an evident need for financial relief under the terms and conditions of the Additional Restrictions Grant.
- b) Providing wrong or misleading information is a criminal offence and any such information may be used against applicants in any subsequent criminal investigation. The information provided on the online application form may be made available to other departments/agencies for the purposes of preventing or detecting crime.
- c) Any grant received by a business must be declared to HM Revenue & Customs (HMRC) as appropriate as part of the tax return for the business. For further information, you can contact HMRC's Coronavirus (COVID-19) helpline.
- d) Any grant received by the business will be used only for the purpose intended ie. to help alleviate the financial pressure of the recipient business and to the exclusion of any other individual or third-party gain.
- e) The applicant will be asked to certify that the information provided on behalf of the business is true and correct to the best of the applicant's knowledge and belief, and should it be subsequently determined that the grant was awarded on the basis of wrong or misleading information, or paid in error, the grant will be subject to recovery in full.
- f) The applicant understands that an officer of the Council, including Planning, Environmental Health, Public Health and/or Trading Standards, may undertake spot checks of the premises. If there is non-compliance with regulatory requirements, the grant, or any portion of the grant, will be repayable by the business.
- g) The applicant understands that the information provided on the online form will be made available to other government departments and their agencies for the purpose of detecting and preventing crime.
- h) The applicant understands that if the Council approves the application, the terms and conditions shall be enforceable on the basis of the Terms and Conditions of the grant scheme

## **8. THE GRANT PROCESS**

It is anticipated that the grant funding available will not satisfy the combined amount of funding requested by applicants. Therefore the following application process has been adopted:

- a) Applications **can only be made online**. Therefore, before you apply there are some steps that you will need to take. Please read the eligibility criteria and checklist first to find out if you qualify. One application will cover all of the schemes.
- b) A 'grant application window' will open at **09:00 am on Thursday 12 November 2020** and will close at **5.00 pm on Friday 18 December 2020**. The Council reserve the right to amend the closing date.
- c) During this window the Council will only accept fully completed online applications and the required evidence to support each application. An application made during the 'grant application window' **does not guarantee** approval for payment.
- d) On receipt of the online application and evidence, the Council will send an email to acknowledge receipt and a **Unique Reference Number (URN)** will be allocated to the application.
- e) If the application is not accompanied by all necessary supporting evidence, the Council will email the applicant to advise that information is missing. The application will not be processed until this evidence is received, ie. the onus is on the applicant to provide the evidence in a timely manner. If the applicant does not respond within 3 working days of email from the Council your application will be withdrawn. No further contact will be made.
- f) The grant is only available to businesses in the hospitality, leisure, accommodation and non-essential retail and sectors as defined in **Section 5 and Appendix A** (or directly part of the supply chain for the sector).
- g) Unsuccessful applicants will be advised of the outcome of an application by email. There is no right to appeal a decision.
- h) Should there be sufficient funds after the first 'window', a further 'window' may be opened or 'top-up' payments may be allocated at the Council's discretion, but this is not guaranteed.
- i) The Council will seek to reach a decision within 5 working days, or as soon as reasonably practicable, of receipt of a completed application that has all the required evidence attached. Successful applicants will be notified by email, and payments will be made by BACS (payments usually takes three working days to arrive in accounts).
- j) The Council will prioritise consideration of grant applications when received and will not respond to canvassing.
- k) Canvassing any officer responsible for the execution of this grant's process or elected individual will render the applicant disqualified from this process.
- l) If the scheme is extended beyond 28 days applicants will have to advise the Council of any change of circumstances. Payment periods will be extended in accordance with changes in legislation to extend schemes and limited to further Government Funding.

## 9. EVIDENCE AND CHECKLIST

The Council is relying on businesses to be honest and open, and to present evidence of need and eligibility for the Local Restrictions Support Grants and Additional Restrictions Grant fund (If you provide false or inaccurate information then the Council will take appropriate action). If a business believes that it is eligible to apply for the grant the following **Eligibility Checklist** may be used to help gather evidence.

### ELIGIBILITY CHECKLIST

Information	Evidence	Comment
Applicant details	Submit information on the online application form	Your business name. Nature of the business, how this relates to the specific



Information	Evidence	Comment
		sectors listed above and explanation of how the business has been affected (self declaration statement). Your contact name and number(s). Your business trading address and postcode. Company registration number (if applicable) or self-assessment tax return and your VAT number (if VAT registered). Business Rates reference number. Proof of rental payments. Confirmation of proportion of sales that are in person/e-commerce (self declaration, proof will be requested dependent on the nature of the business)
Payment details	<p>Your business bank account number and sort code (only provide bank account details where a BACS payment can be accepted).</p> <p>A copy of a business bank statement, clearly showing the bank account holder's name, sort code and account number and business address.</p> <p>A utility bill clearly showing your business address</p>	These details must match the name of the business or individual listed on the business rates bill or lease, licence or mortgage agreement
Evidence that you are a micro or small business	<p>This will be done by way of self-declaration on the online application form.</p> <p>Details may be checked using the Companies House register.</p>	<p>Under the Companies Act 2006:</p> <p>A <b>Micro</b> business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> <li>• Turnover: Not more than £632,000</li> <li>• Balance sheet total: Not more than £316,000</li> <li>• Number of employees: a staff headcount of not more than 10</li> </ul> <p>A <b>Small</b> business must satisfy two or more of the following:</p> <ul style="list-style-type: none"> <li>• Turnover: Not more than £10.2 million</li> <li>• Balance Sheet total: Not more than £5.1 millions</li> <li>• Number of employees: a staff headcount of up to and including 50</li> </ul>
Proof of rent charged (if you do not occupy a property liable for	Proof of rent charged (for example lease agreement or rental receipt) - note mortgage payments are not considered a	Charge has to relate to the Broxtowe Borough Council area

<b>Information</b>	<b>Evidence</b>	<b>Comment</b>
business rates as the liable party)	rent charge and are not admissible	
Taxi drivers	Proof of where you live and a current licence allowing you to act as a taxi driver	Utility bill/bank statement showing your current address Current licence
Self-employed in supply chain	Evidence of type of business self-assessment (contract /copy invoices/accounts). Latest Tax return. Evidence of recent trading	Self-declaration – what is business and how does it link to the grant? Paragraph from applicant
Evidence of eligibility under State aid rules	You will need to demonstrate this by way of self-declaration statement on the online application form. See section 11 below.	If you are unsure whether State aid applies to your business, you will need to seek independent legal advice

## **10. LOCAL RESTRICTIONS SUPPORT GRANT (OPEN)**

The Government has announced that each authority will receive a fund to distribute based on business properties in the hospitality, hotel, bed & breakfast and leisure sectors to support businesses that have not been legally required to close but are severely impacted by Tier 2 or Tier 3 restrictions (note this is not applicable during periods of national lockdown).

The grants will only be distributed to businesses operating from properties listed as being chargeable for business rates by the Valuation Office Agency, that are open to visiting members of the public within the following sectors:

Hotels  
Bed & Breakfast  
Indoor leisure facilities  
Public Houses  
Restaurants

Please note this list is not exhaustive and the Council reserves the right to amend the list at its own discretion and it will be the final arbiter of the definitions contained above.

Any payment relating to the Local Restrictions Support Grant (Open) will be subject to the current State Aid limits and should be classified as a taxable income.

## **11. HOW WE WILL USE YOUR INFORMATION**

We will use your information to assess your application for financial support. We will confirm information about you and your account from credit referencing agencies to confirm account validity and your identity. If you provide false or inaccurate information, we will record this. If you would like full details on how we use your information, please refer to our privacy policy.

## **12. STATE AID**

All successful businesses will be required to declare that by accepting the grant payment, the business confirms that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State Aid requirements. Any business that has reached the limits of payments permissible under the De Minimis and the UK Covid-19 Temporary State Aid Framework will not be able to receive further grant funding.

### **13. TAX**

Grant income received by a business is taxable, therefore funding paid under the Additional Restrictions Grant or Local Restrictions Support Grant (Open or Closed) will be subject to tax. Only businesses which make an overall profit once grant income is included will be subject to tax.

### **14. RIGHT TO UPDATE THIS POLICY**

The Council reserves the right to update, change or withdraw this policy without notification or prior warning in the event that the government updates or changes its guidance to us or in the event of an error, omission, or unallocated funds

### **15. APPEALS**

There is no right to appeal and the decision of the Council is final. The Council's interpretation of this document is at its own discretion and it will be the final arbiter of the definitions contained within this policy.

**Definition of non-essential retailers:**

If your property is used for the sale of the following types of goods you would be excluded from this grant:

Food – including take-aways and alcoholic beverages

The following types of business are also excluded from this scheme:

Pharmacies/Chemists

Post Offices

Financial services (for example banks, building societies, bureaux de change)

Medical services (for example vets, dentists, opticians, chiropractors)

Professional services (for example solicitors, accountants, estate agents, letting agents)

Examples of businesses that are classed as non-essential retailers:

Clothing stores

Electronics stores

Vehicle showrooms

Travel Agents

Betting shops

Auction houses

Tailors

Car washes

Tobacco/Vape shops

Note the majority (at least 60%) of your income/sales should normally be attributed to in-person sales of goods and not through the internet and/or telephone or be derived from services provided. You may be asked for proof of how your income is normally derived.

Please note this list is not exhaustive and the Council reserves the right to amend the list at its own discretion and it will be the final arbiter of the definitions contained above.